

A
Compendious and Accurate
TREATISE
OF
FINES
Upon Writs of Covenant;
AND

RECOVERIES

Upon Writs of Entry in the Post.
With ample and copious Instructions how
to draw, acknowledge and levy the same in all
Cases. Being a Work performed with great
Exactness, and full of Variety of Clerkship.

The Third Edition ; Wherein the former are re-
viewed, corrected and enlarged.

With an Addition of several Presidents, and many
Observations, Rules and Cases concerning the
Effect and Operation of Fines and Recoveries.

L O N D O N, Printed by the Assigns of Rich. and Edw.
Atkins Esquires; For D. Brown without Temple-Bar,
J. Malthoe in Vine-Court Middle Temple, Isaac Cleave
at the Star in Chancery Lane, and W. Freeman at the
Bible near Temple-Bar, 1693.

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To the Right Honourable
Sir Francis North, Kt, Lord Chief
Justice of His Majesties Court
of Common Pleas at Westminster.

My LORD,

THE ensuing Precedents being wholly applicable to the Practice of that Court, wherein your Lordship most deservedly holds the Place of Chief Justice; and the former part of them consisting in Fines only peculiar to your Lordships high and eminent Office, No Person whatsoever, except your Lordship (as Chief Justice of the Common Pleas) having power, without the Kings Writ, to take their Cognizance out of Court; I humbly conceive it most agreeable (in respect of my Duty, and the Nature of the Subject) to submit them to your Lordships Patronage and Protection.

But, my Lord, In regard there be many Precedents of Fines and Recoveries already in Print, lest I should be taxed of Plagiarism in transcribing such as have been formerly published, I humbly beg leave to put your Lordship in mind, That what is here offered to your Lordship and the World, was by your Lordships signal Favour and Condescension to me first Licenc'd in Manuscript; a Favour so Transcendent, That only your Lordships bare Remembrance of it, is sufficiently able to silence Detraction, and satisfy the World, That the Precedents in this Compendious, though Minute Treatise, are not borrowed from any thing already in Print.

Nay,

47037
Lefman
10064

The Epistle Dedicatory.

Nay, my Lord, on the contrary it would be an Enterprize of no great difficulty to evince the World by plain Demonstration, That these Precedents (besides the Esteem they must necessarily acquire by the Approbation of your Lordship, and the other Honourable Judges of the Court) have moreover abundantly the Advantage of all those of this kind that hitherto have pass'd the Press, in respect of the exactness of their Forms, Succinctness of their Method, and Copiousness of the Instructions relating to their Use and Qualifications, I question not but your Lordship (and all Judicious Men) will allow to be requisite to a Book of this Nature: And which I do assure, your Lordship, are hardly to be found in the so much quoted Welts Symboleographia, and not in the Compleat Clerk, though otherwise it be a Collection of Excellent Use and Benefit.

And this Character your Lordship well knows to be agreeable with the Sentiments I had of the Manuscript when it was first offered to your Lordship for Licence; But if the Zeal I have for its Worth (out of respect to those Great Masters of Clerkship, who gave Formation to the Original) hath led me to Expressions unsuitable to the Quality and Grandeur of so Honourable a Person as your Lordship, I humbly beg your Lordships Pardon for it; and that your Lordship will believe that I have no other Presumption in this Address, than to be esteemed,

My Lord,

Your Lordships most Humble,
and most Devoted Servant,

William Brown.
The

The Introduction to, and Definition of a FINE.

A Fine is of great Antiquity, yet considered as a Common Assurance, is but *Fictio Juris*, though anciently it was the Composition of a real Controversie, and the end of a Suit indeed; for after the Parties had contended by Suit in Law about the thing in question, many times they agreed at last, who should have it, and so a Fine was levied of it, and by this there was an end of the Matter. Some have writ, That there neither is nor can be provided by the Laws of the Land, any greater or more noble Security, by which any Person may make his Estate more secure, or produce a more solemn Testimony for the confirmation of his Estate, than a Fine levied in the Kings Court upon Record; yet it must be allowed, that in some respects a Common Recovery exceeds it, for a Fine will bar the Heir in Tail, but not him in Remainder or Reversion, but a Recovery bars them all: It is called a Fine, *quia Finem litibus imponit*, & est *exceptio peremptoria*; or it is called *Finalis Concordia*, *Quia Finem ponit negotio, adeo ut neutra pars litigantium ab eo de cætero possit recedere.* *Glanv. li. 8. cap. 1, 2, 3.*

As it is now become a Common Assurance, this definition may be given of it, *viz.* That it is an Instrument on Record, of an agreement concerning Lands, Tenements or Hereditaments

The Definition of Fines.

Co. Inst. 2 part, 511, 514. Co. Lit. 120, 127. Plow. 265, 357, 358. Dyer, 368.

A Fine may be accounted the noblest Assurance, because it is said to be *de dono or concessit*, whereas a Recovery seems to be by Judicial Process. *1 Co. 22. 62* They that have a Right of Reversion or Remainder expectant upon an Estate Tail, or for Life, shall have five years after their Title comes unto them to make their Claim. *Co. Inst. 2 p. 518.*

Note, that these ditaments duly made by the Kings Licence, or Fines have by the Licence of his Justices, and acknowledged by the Parties to the same upon a Writ much of their growth and effect from the of Covenant, (or some such like Writ) before Statutes 4 H. the Justices of the Common Pleas, or others 7. 24. & 32 H. thereunto authorized, and ingrossed of Record H. 8. 36. of in the same Court, to end all Controversies which and the thereof, both between themselves which be reason, see Parties and Privies to the same, and all others more in the Strangers not suing or claiming in due time. Introduction to Common Recoveries.

It doth countervail a Feoffment with Livery and Seisin, and doth include all that is in a levied upon a Feoffment, but is of greater Efficacy, and Writ of Right, therefore is called a Feoffment upon Record. or *warrantia Charta*, &c.

By this a Man may convey his Land to another in Fee-simple, Fee-tail, for Life or for Years, and that with a Reservation of Rent also.

Parties to the Fine.

Note, He by whom the Fine is acknowledged is called the Cognizor, and he to whom it is acknowledged is called the Cognizee.

Of the several kinds of Fines.

Division of Fines.

Some distinguish Fines to be either single or double.

Single Fine.

The single Fine is that by which an Estate is granted by the Cognizor to the Cognizee, and nothing is thereby rendred back again by the Cognizee to the Cognizor.

Double Fine.

The double Fine is that which doth contain a Grant or Render back again from the Cognizee to the Cognizor, as of the Land it self,

Fines.

self, or of some Rent Common, or other Thing out of it : many times limiting Remainders to Strangers not named in the Writ of Covenant, and sometimes with Reservation of Rent, Clause of Distress, and Grant of the same over.

Others divide these Fines into four kinds ;
As

1. *A Fine sur Cognizance de Droit come ceo, &c.*
2. *A Fine sur Done, Grant & Render.*
3. *A Fine sur Cognizance de Droit tantum,*
4. *A Fine sur Concessit.*

A Fine sur Concessit, is such a Fine as where the Cognizor is seised of the Lands contained therein, and the Cognizee hath no Freehold therein, but it passeth by the Fine ; This Fine is said to be Executory, so that the Cognizee or Cognizees therein must enter, or have a Writ of *Habere facias seisinam*, according to their several Cases for the obtaining of the possession, if the Parties to whom the Estate is limited at the time of levying such Fine be not in possession of the thing granted : But if they be in possession at such time, there needs not any such Writ, or any Execution of the said Fine to put them in possession, for then the Fine will enure by way of Extinguishment of Right, and doth not alter the Estate or Right of the Cognizee, however perchance it may better it.

See after for the Presidents. It begins thus.

Fines.

Et est Concordia talis scilicet qd' præd. A. concessit & reddidit Tenementa præd' cum pertin' præfat' B. & hæredibus suis duran' vita ipsius A. Et præd' A. Warran' Tenementu præd' cum pertin' præfat' B. & hæred' suis durante vita ipsius A. Or thus,

Et est Concordia talis quod præd' A. concessit præd' B. Tenementa præd' &c. habend' eid' B. pro termino vitæ suæ, &c. or to the like effect: See another form after.

Fine sur Cognizance de Droit tantum, is also said to be * Executory, and much of the nature of a *Fine sur Concessit*; it is used commonly to pass a Reversion, and then it is expressed by such Fine, that the particular words *Come ceo que il ad de son done, or rather ut ill' que idem* (the Cognizee) after the particular Estate spent.

habet de dono, And sometimes it is used by Tenant for Life of the Cognizor are left out to make a Release (in the nature of a Surrender) to him in Reversion, but not by the

* If the Cognizee hath the Freehold of the Land, it is him in Reversion or Remainder by Fine, but then called a he may grant and release to him by Fine, 44 E. 3. 36. 3 Co. 86. Dyer 216. Plow. 268.

Fine sur Release, needs no seisin upon it, if the Party be in possession, as before observed.

See after for the Presidents.
Note, A Fine upon a Release may not enure to an use, Co. Inst. 3. 36.

A Fine sur Done, Grant & Render, is that which is called a double Fine, as is before observed.

Fines.

5

served, being in a manner two Fines, (that is to say,) A *Fine sur Cognizance de Droit come ceo*, and a *Fine sur Concessit*, both formed into one, whereby the Cognizee after a Release and Warranty made to him by the Cognizor of the Lands contained therein, doth grant and render back to the Cognizor the Lands, &c. or some part thereof, and many times limiting thereby Remainders to Persons that are Strangers, and not named in the Writ of Covenant: This Fine is partly executed, partly executory, and as to the first part of it, is altogether of the same nature with a *Fine sur Cognizance de Droit come ceo*; but as to the second part containing a Grant and Render back (as aforesaid) it is taken in Law to be rather a private Conveyance or Charter between Party and Party, and not as a Writ of Judgment upon Record.

See the President after.

This Render is sometimes of the whole Fee, and sometimes of a particular Estate with Remainder or Remainders over, or the Reversion; and sometimes with Reservations of Rents with Distress, and sometimes with a Grant thereof over by the same Fine.

Note, A Render must be made upon a *come ceo sur Release*, or other Fine executed,

If the Party be in possession, it may be said to be executed, and need no Writ of Selfin otherwise it is executory.

5 Co. 38.

Note, The Render of a Fine cannot be without writing to any other use.

Mo. Rep. 679.

A *Fine sur Cognizance de Droit come ceo* *que il ad de son done*, single, is the principal, best and surest kind of Fine, it is said to be executed, because it doth of its own force give present possession (at least in Law) to the Cognizee,

Fines.

Cognizee, so that he needeth no Writ of *Habere facias seisinam*, or other means for the execution thereof, for it doth admit the possession of the Lands of which the Fine is levied to pass by the Fine, so that the Cognizee may enter, for that the Estate is thereby (in Law) in the Cognizee; That is to say, To such uses as are declared in the Deed to lead the use thereof; for this is a general Maxim, That unless it be declared by Deed, or otherwise, to what use the Fine was levied, such Fine shall be and enure to the use of the Cognizor that levied the same. This Fine is levied with Proclamations, according to the form of the Statute, 4 H. 7. ch. 24.

This is a Feoffment upon Record, and doth imply in it the Livery and Seisin.
Pract. Regist. 148.
Bendl. Rep. 134.
 See the President of this after.

Also a Fine is either with Proclamations or without Proclamations, and executed or executory. That without Proclamations, is termed a Fine at the Common Law, and is levied in such manner as was used before, 4 H. 7. 24. which still remains of such force as they were at the Common Law, to discontinue the Estate of the Cognizors if they be executed.

Dyer 216. p. 54.
Plow. 265. b.

That with Proclamations, is term'd a Fine according to the Statute, 1 R. 3. 7. 4 H. 7. 24. And such a Fine is every Fine (that is pleaded) intended to be, if it be not shewed what Fine it is. And these Fines with Proclamations are the best sort, and most used, and it is said to be in the Election of the Cognizee to have it with or without Proclamations, and if there be Error in the Proclamations, yet the Fine shall be taken as a good Fine at Common Law without

Proclamations,
 32 H. 8. 36.
 31 El. ca. 2.
 3 Cro. 692.
 Election.

without Proclamations, *Jenk. Cent. 6. Case 53.*
2 Co. Inst. 519.

A Fine also with or without Proclamations is either executed or executory: Executed, is such a Fine as of its own force gives present Possession, as a *Fine sur Cognizance de Droit come ceo*: and in some respects a *Fine sur Release*, Confirmation or Surrender is said to be executed.

Executed or
 Executory.

Executory does not execute a Possession without Entry or Action, as a *Fine sur Cognizance de Droit tantum*, when the Cognizee hath no Freehold, &c. *Sur Concessit, sur Done, Grant & Render*, and requires a Writ of Seisin, unless the Party be in possession of the Lands, as before observed.

And note, That almost any kind of Contract may be made and expressed by a Fine, as it may by a Deed in the Country; and therefore it may be so made, That one of the Parties shall have the Land, and the other a Rent out of it, and that one shall have for one time, and another for another time; by a Fine also a Lease for Years, or a Joynture for a Wife may be made; and by a Fine a Gift in Tail, and a Remainder over may be limited and created, *1 Co. 76.*

Also an Heriot may be reserved with Clause of Distress.

Of the Parts of a Fine.

A Fine is said to be made up of five Parts.

1. The Original Writ against the Cognizor.
2. The Composition or Kings Licence to alienate.
3. The Concord.
4. The Note of the Fine.
5. The Foot of the Fine: And to this may be added a sixth part, if the Fine be to be levied with Proclamations.

1. As to the first. The Writ of Covenant is the usual Writ Original taken out by the Cognizee or Cognizees, against the Cognizor or Cognizors to the Fine, for without an Original a Fine cannot be levied; yet a Fine may be levied upon any Writ of Right, or other Writ whereby Land is demanded, or may be recovered. It begins thus,

Midd^r. *Præcipè A. B. qd' juste, &c. teneat & D. Conventionem, &c.*

2. The Composition or Kings Licence to alienate the Land, for which the King hath a Fine or Sum of Mony, which is called the Kings Silver.

3. The Concord or Agreement between the Parties that intend the levying the Fine, where-
in

in is declared how, and in what manner the Things contained in the Writ shall pass; and as the Writ of Covenant is the Foundation, so this is the substance of the Fine.

And note, That if the Kings Silver be entered, and endorsed upon the Writ of Covenant by the Clerk for that purpose, although the Cognizor die before the Fine come to the Chirographer, yet is the Fine good for the other two parts, viz. The Note, and the Foot of the Fine are but Abstracts taken out of this. It begins thus, viz.

Et est Concordia talis scilicet qd' præd' A. recogn' Tenementa præd' cum pertin' esse jus ipsius B. &c.

The Note or Abstract is taken out of the Writ of Covenant and Concord by the Chirographer before it be engrossed. It begins thus,

Int' A. B. Quer' & C. D. deforcientem, &c.

The Foot of the Fine includeth the whole Fine; The Parties to the same, the Thing granted, the day, year and place, and before whom the Concord was made; and this is called the Foot, because it is the last part of the Fine; and when this is done, the Fine is engrossed of Record, and the Indentures made by the Chirographer, and delivered for the Party to whom the Cognizance is made, and then is the Fine said to be ingrossed.

Next we must consider the Proclamations made upon the Fine, which although they be not the essential Parts of the Fine, yet upon every

*if the Cognizor =
dies before the
fine is made to the
Chirographer
provided it has
passed the
King's silver =
it is a good fine*

4.
The Note of
the Fine.

5.
The Foot of
the Fine.

*5 Co. 38, 43.
Co. 2. Inst. 514.*

Poph. 63. every Fine made according to the Statute they
Moor Rep. 359. must be made, and being made, they do
 make a bar according to what doth pass.

Proclamations. These Proclamations were appointed first by
 the Statute 1 R. 3. 7. (though afore that time
 by the Statute *de Finibus levatis*, Fines were
 openly to be read at two certain days in the
 week by the discretion of the Justices,) and by
 this Statute of *Richard* the Third, Fines at
 the Common Law have the same force they
 had before, and might be levied according to
 that Statute, or the Common Law, at the electi-
 on of the Parties.

The Proclamations were to be made four
 several days in each Term, during four succeed-
 ing Terms, by the Statute 1 R. 3. 7. 4 H. 7.
See the Statute 24. 32 H. 8. 36. But by the Statute 31 El. 2.
 Fines in the Common Pleas shall be proclaimed
 four times only, viz. Once in the Term
 wherein the Fine is ingrossed, and once in each
 of the three Terms then next following.

If any Proclamation be made upon a Sun-
 day, it is Error, because it is not *dies Juridicus*,
Dyer 128.

Who may be Cognizors.

HAVING considered a Fine in all its Parts ;
 We come next to observe who may be
 Cognizors and Cognizees in Fines, and by
 what Names.

Such

Fines.

11

Such Persons, either Male or Female, or All Persons Bodies Sole or Corporate, that may lawfully that may lawfully grant by Deed, may be Cognizors in Fines. Deed, may be Cognizors.

But yet there ought to be great care taken, that many of them (who may) be not admitted to levy Fines; as an Infant, a Woman Covert, an Ideot or Lunatick, one that is Blind, Deaf and Dumb, one that is doting in old Age, or wants Discretion, or one that is much in Drink, or compelled by Durefs or Imprisonment; it is left therefore to the discretion of the Judges or Commissioners whom to admit, for though many of these have the liberty of exception against such a Fine, yet it may happen not to be in their power to avoid it, *Fieri non debet, sed factum valet*, of which more hereafter.

4 Co. 124.

12 Co. 124.

Co. Lit. sec. 731.

2dly. Such Corporations Civil, as have an absolute Estate in their Possessions, belonging to their Corporations, as a Mayor and Commonalty, &c. may together, and with a joynt consent levy a Fine of the Land belonging to their Corporation, as a single Person may do; but no one of the Corporation, though he be the Head thereof, nor any of the Members without the general consent of the whole Corporation can levy a good Fine.

Corporations.

Also Bishops, Dean and Chapters, Heads and Spiritual Fellows of Colleges, and such like who have any Estate of Freehold in Ecclesiastical Lands in Right of their Churches, &c. are forbidden and restrained by divers Acts of Parliament from levying any Fines of their Lands belonging unto them; but of the Lands such Persons have

Spiritual Person.

21 Ed. 4. 13.

Plow. 11, 78.

122, 124, 538,

575.

11 Co. 78.

have in their own Right, they may levy Fines as other Persons may do.

Tenant in Tail of the Kings Gift.

Also he that hath an Estate Tail of the Kings Gift or Provision, cannot levy a good Fine of it to bind the King, or to bind the Issue in Tail, by the 32 H. 8. Chap. 28.

Intruder upon the King.

Also a Fine levied by the Heir that is an Intruder upon the Kings Possession, is void, 1 H. 7. 5. 24 Ed. 3. 65.

Lands prohibited by Act of Parliament.

Also Fines levied, of any Lands, prohibited to be sold by Act of Parliament, are void, Stat. 32 H. 8. cap. 36 and 28. And he that

By Husband of the Wifes Land.

hath an Estate in Fee-simple in Land in the Right of his Wife, is forbidden to levy a Fine without her. *Ibidem.*

Void Fine.

So that the Persons that levy a good Fine, must be such, and must have such an Estate in the Land, as they are not prohibited by any Law to levy the Fine, otherwise the Fine will be void.

Persons Outlawed.

But Persons who are Outlawed, or waved in personal Actions only, may levy a Fine.

Attainted of Felony or Treason.

And Persons attainted of Felony or Treason may levy by Fine, and it will be good against them and all others, except the King, and the Lord of whom the Land is held, 17 Ed. 3. 52. 17 Aff. pl. 17. 21 H. 7. 7. 9 H. 6. 20. 8 Aff. 25. Therefore care ought to be taken how such Fines are levied.

Joint-Tenant, &c.

A Joint-Tenant, Tenant in Common or Partner, may levy a Fine of the Land so held by him, to a Stranger, or to another Joint-Tenant, Tenant in Common or Partner, 26 H. 8. 9. Dyer 69. 334. Plow. 338, 378. 11 E. 4. 68.

Also Tenant in Fee-simple, in Remainder or Reversion.

Tenant

Tenant for Life, its said, may levy a *Fine* Tenant for life.
sur Grant & Release, of the Lands which he
holdeth for Life, to hold to the Cognizee for
Life of the Tenant for Life, 44 *Ed.* 3. 36. But
if the Estate be larger, it is a Forfeiture of his
Estate, 4 *H.* 7. *Noy* 30.

And so the Law is the same of such Fines Tenant in Tail
by Tenant in Tail, after possibility, Tenant in
Dower or by the Courtesy, 39 *E.* 3. 16.

But it seemeth to be no forfeiture of a Rent,
2 *H.* 5. 7.

Who may be Cognizees.

ANY Person that hath a Capacity to take All Persons
by the Grant of a Deed, so as to be a having Capa-
good Grantee, such a Person may be a good city to take by
Cognizee in a Fine. So any Man or Woman, the Grant of a
Sole or Covert, of full age or under age; any Deed may be
mad or lunatick Persons, Ideot, or Man *de non* Cognizees.
sane memory; so any Man in or out of Prison,
or beyond Sea, any Person attainted of Felony
or Treason, or Outlawed in a personal Action,
a Bastard, a Clerk convict, an Alien, any of
these may be a good Cognizee, and take by a 50 *Ed.* 3. 9.
Fine as well as by a Deed; and a Fine levied to 3 *H.* 6. 42.
any such Person will be good. 24 *Ed.* 3. 62.

So Corporations Spiritual and Temporal, Corporations.
Civil or Corporal, may be Cognizees in Fines,
and Fines levied to them will be good.

But before the ingrossing of such a Fine,
there goeth always a Writ to the Justices of
the Common Pleas, *Qd' permittant Finem ill'*
levari. If

Infant and
Feme Covert.

If an Infant or Feme Covert be to take by Fine, he or she need not be examined, as when they are Conusors in a Fine, 24 E. 3. 62. 3 H. 6. 41.

Persons civilly
dead.

Persons who by our Law are accounted civilly dead, as Monks, Fryers, and the like, may neither be Cognizors nor Cognizees in Fines, nor will a Fine levied by or to any of them be good, 22 E. 4. 4. 15 E. 4. 21. 5 H. 7. 25. 19 H. 6. 25.

3 Co. 29.

7 Ed. 4. 13.

5 H. 7. 40.

And note, That a *Fine sur Cognizance de Droit come ceo*, &c. may not be levied to any Person, but to one that is Party to the Writ of Covenant; yet a Vouchee after he hath entered into the Warranty to the Demandant, its said may confess the Action or levy a Fine to the Demandant, for he is then supposed to be Tenant to the Land. So a Fine or Release from the Demandant to the Vouchee is good, and yet they are not Parties to the Writ; but a Fine levied by the Vouchee to a Stranger is void.

*By what Names Cognizors and
Cognizees may give and take
in a Fine.*

Two of one
Name.

Cognizors and Cognizees, in Fines, ought to be called by their right Names of Baptism and Surname; and if there be two of one Name, it is most proper and safe to distinguish them by the distinction of Elder or Younger, and the like.

But

But Kings, Queens, Princes, Dukes, Mar-
queses, Earls, Viscounts or Barons are seldom
named by their Surname, but by their Chri-
stian Name and Dignity; as *Jacobus Rex*
Angl' Carolus Princeps Walliæ, *Johannes Dux*
Lancastriæ, &c.

Names of
Dignity.

But Knights, Esquires and Gentlemen are
called by their Christian Name and Surname,
together with their Additions of Honour; as
A.B. *Bar'*, C.D. *Mil'*, E.F. *Armig'*, G.H.
Gen', &c. And the addition of Bishop, Dean,
Prebendary, &c. its said are rather used out
of courtesy than necessity, for the Fine may be
good without them, 21 E. 4. 8. 1 Aff. pl. 11.
7 H. 4. 22. 14 H. 6. 15. 1 Brownl. 30.

Titles of
Honour.

A Corporation or Fraternity must be descri-
bed by the very true Name of the Corporati-
on, as it is named in the Charter and Founda-
tion of it, 11 H. 4. 44. 12 H. 4. 20. 7 H. 6. 27.
37 H. 6. 29.

Corporation
how to be
named.

Some small difference in a Name, its said,
will not hurt; as *Margery* for *Margaret*,
Agnes instead of *Anne*; yet a Fine levied to
A. and *Sibel* his Wife, where her right Name
was *Isabel*, was held void, 1 Aff. pl. 11. Bro.
344.

Small diffe-
rence in a
Name hurteth
not.

But if a Fine be levied by a Man and his
Wife, and the Wife is named wrong, its said
this Fine shall bind her by Estoppel, Bro. 344.
Case.

Wife named
wrong.

Yet if a Woman have two Husbands living,
and with her second acknowledges a Fine by
his Name, this Fine it seems is void; but if a
Woman levy a Fine with her right Husband,
and

Wife mis-
named.

But

and by a wrong Christian Name, she cannot avoid such a Fine, *Bro. Fines* 17. 1 *Aff. pl.* 7. 7 *H.* 4. 22.

Feme Sole
Marry before
the day in
Bank.

Death before
day in Bank.

If a Feme Sole after the *Teste* of the Writ of Covenant, & *Dedimus potestatem* to take the Cognizance of a Fine of her, and before the day in Bank to record and ingross it, Marry, yet the Fine shall be good, and recorded by the Name she had when Sole; but her death at such time will make the Fine void.

*By what Names the Parcels may
pass and be placed.*

NEXT we must consider by what Names the Things whereof the Fine is to be levied may pass, and how the Parcels are to be placed therein.

A Fine may be levied of all Things, whereof either a *Præcipe qd' reddat*, or a *Præcipe qd' faciat*, or a *Præcipe qd' permittat*, or a *Præcipe qd' teneat*, lieth; It may be levied of Things Ecclesiastical or Temporal that are inheritable and in *esse* at the time of the levying of the Fine: So a Fine may be levied of all

Honour,
Mannor,
Island,
Barony,
Castle,
Messuage,
Cottage,

Mill,
Toft,
Curtilage,
Dove-house,
Garden,
Orchard,
Land,

Meadow,

Meadow,
Pasture,
Wood,
Underwood,
Chappel,
River,
Chauntry,
Parsonage,
Rectory,
Advowson,
Vicarage,
Tythes impropriate,
Estovers,
Foldage,
Corody,
Office,
Fishing,
Warren,
Fair,
Mine,
View of Frankpledge,
Waif,
Stray,

Felons Goods;
Deodand,
Hospital,
Furzes,
Heath,
Moor,
Rent,
Common,
Hundred,
Way,
Ferry,
Franchise,
Seigniorie,
Reversion,
Toll,
Talladge,
Picage,
Pontage,
Acquital,
Services,
Portion of Tythes,
Oblations, and the like.

But a Fine levied of Ancient Demesne Lands will not be good. See *West. Symb.* part 2. Stat. 32 H. 8. cap. 7. 8 Co. 145.

Many of these may be granted together in one Fine; as 50 Messuages, 40 Tofts, 500 Acres of Land, and 50 Shillings of Free Rent, as occasion requires. Many of one sort granted.

So of a Dove-house, 3 Gardens 2 l. 6 s. 4 d. Rent; Rent, and of the Rent of four Capons, one pound

pound of Wax and the like, all in one Fine,
3 Co. 45. 6 Co. 67. 7 Co. 38.

Demefnes.

Demefnes, Rents, Seigniories, Courts, Pleas,
&c. whereof a Mannor consisteth, pass by
the Name of *Manerium cum pertinentiis*, 3 Inst.
513.

The nature
and quality of
the Things.

The nature and quality of the Things must
also be observed; as Land, Meadow, Pasture,
&c. and the place where they lie.

More Worthy
Things first.

The more Worthy Things must be put first;
as a Castle before a Mannor, a Mannor before a
Messuage, a Messuage before Land, Arable be-
fore Meadow, *Plow. 168. 7 H. 6. 39.*

Things gene-
ral.

Things General before Things Special, as
before, Meadow, Pasture, Wood, Heath,
Marsh, &c. must be placed, Land being the
Genus thereto.

So *Boscus* must precede *Alnetum*, *Salicetum*,
&c. as Wood is the *Genus* to Wood-Ground.

For the placing of Particulars in a Writ of
Covenant, is in all Things as in a *Præcipe*
quod reddat of Lands.

Reg. Orig. f. 2.

And for this there is a Rule in the Register
which is thus set down after this manner.

a place where a messuage has stood.

	uagium,	um,	endinum,	umbare,
Wood.	Mes	Toft	Mol	Col
	dinum,	ra,	tum,	tura,
Heath or.	Gar	Ter	Pra	Pas
more barren than Marsh	Mora,	Junca	Maris	Alne
	ditus,			Pis
	Red	Sectare	Priora.	a wood of Eden

Also

Also intire Things must be set before their intire things: Parts; as *de Manerio de C. & Medietat' Manerii de B. cum pertin.* &c.

Parts of Things excepted, must succeed those Things excepted out of which they be excepted; and if there be divers parcels in one Writ, that parcel ought to be last placed; as thus, *De Manerio de D. cum pertin' in C. Except' uno Mesuagio, duabus Acris Terræ & Advocatione Ecclesiæ de C. &c. Regist. Orig. fol. 6.* See after.

And every thing excepted ought to be certainly named, but it needeth not to say, *cum pertinentiis* after the thing excepted, 40 E.3. 25. Thing excepted, certainly named.

And the exception must always be of such things as will lie in the Writ, *Regist. Origin. 228, 229.* and of such a thing as is comprehended in the Writ, and it is after this manner. *Præcipe A. B. qd' juste, &c. ten' C. D. Conventio', &c. de uno Mesuagio, uno Cottagio & medietat' unius Mesuagii & decem acr' terræ cum pertin' Except' una acra Terræ in E. &c.* and when come to the Concord, you say, *Et est Concordia talis scilicet qd' præd' A. recogn' Tenementa præd' cum pertin' (Except' præexcept') esse jus, &c.* but more concerning the Concord hereafter. Of what the Exception must be.

Also observe, that where the Original Writ is of many things, they must be expressed thus, suppose it were of a Mannor, House, Rectory, &c.

First, *De uno Manerio*, secondly, *Ac de Retoria*; thirdly, *Necnon de Mesuagio*; for the fourth thing, *Acetiam*; for the fifth, *Præterea*; The words for the dividing of Things are eight.

for the sixth, *Ac ulterius*; for the seventh, *Acetiam*; and for the eighth, *Ac insuper*, and if there be more, then to begin again.

And to be repeated, viz.

1 *De*, 2 *Ac*, 3 *Necnon*, 4 *Acetiam*, 5 *Præterea*, 6 *Ac ulterius*, 7 *Acetiam*, 8 *Ac insuper*.

Again, Observe that certain and apt Words must be used to express the Things to pass by the Fine; for a Fine levied *de Tenemento*, or *de Hereditamento*, or *de duobus Tenementis*, is void, or at least voidable for Error, because of the uncertainty and unaptness of the words, 1 Cro. 196. Leon. 188.

Unapt Words.

For the proper word to express a Tenement or Hereditament in a Fine is *Mesugium*, as *de uno Mesuagio*, or *duobus Mesuagiis*, &c.

How a Mannor may pass.

One Mannor may also be parcel of another Mannor, and pass by the Name of that Mannor, 20 Aff. pl. 54.

Castle, Honour or Hundred.

Also a Castle, Honour or Hundred may be parcel of a Mannor, and pass by the Name of the Mannor whereof it is parcel; or it may pass by its own proper Name, as *de Castello de A. cum pertin'*, or *de Hundred' de A. cum pertin'* or *de Honore de A.* 1 E. 3. 4. 2 E. 3. 36. 20 Aff. pl. 54.

The Parish, Town and County, &c.

Also the County, Town, Parish or Hamlet where the Things lie that are intended to pass by the Fine ought to be certainly named. In 2d. Crook. 120. *Stock and Foxes Case*, It is said, That if there be two Towns, *Walton* and *Street*, in the Parish of *Street*, and a Fine is levied of such Lands in *Street*; in this Case the Lands in *Walton* will not pass by this Fine

Example.

Fine, *Walton* being a distinct Town or Village by it self; and although *Street*, the Parish, comprehend both, yet in the Fine the Lands in *Walton* shall not be said to be comprised, unless *Walton* had been a Hamlet of *Street*, and that the Fine had been levied of Lands in the Parish of *Street*, then all would have passed well enough.

If there be divers Towns of one Name in the same County, it is best to make an addition for distinction.

Several Towns of the same Name.

If a Mannor extend it self into divers Towns, as *A. B. C.* it is the best and safest to name all the Towns, or none of them at all, as *de Manerio de S. in A. B. & C.* or *de Manerio de S. cum pertin.* for if any one of the Towns be omitted, none of the Mannor in that Town will pass; but it seems that if the Mannor be only named, and not said in what Town it doth lie, the Fine may be good, 9 E. 4. 6.

Mannors extending into several Towns.

Also where divers Mannors be of one Name, with distinction of North and South, as *North S.* and *South S.* it is good in all the Proceedings of the Fine, to express which of the Mannors is intended to be passed, 1 Cro. 196. Bro. Fines 44. 91.

Several Mannors of the same Name.

When a Fine is but for the presentation to a Church only, it must be *de Advocatione*

Fine of a Presentation.

Ecclesie de S. and not *cum pertin.* and of Vicarages endowed, the Writ must be *de Advocatione Vicarie Ecclesie de S.* And not *cum pertinentiis.* And where the Vicarage is not

Vicarages endowed.

endowed, it must go under these words, *De Advocatione Ecclesie de S.* and Parsonages,

Not endowed.

Rectories,

Rectories, &c. Rectories, Advowsons, Vicarages and Tithes impropriate pass not by the words, *De Advocatione Ecclesiæ*, but by this, *de Rectoria Ecclesiæ de S. cum pertin.* West. Symb. 2 part.

Highwood and Underwood. Highwood and Underwood may pass by the general name of Wood, as *de viginti Acr. Bosci*, West. Symb. 2 part.

House-boot, Hay-boot, &c. House-boot, Hay-boot and Plow-boot by the name of Estovers, as *de rationabili Estoveria in Boscis*, viz. *in decem Acris Bosci ipsius A.* in D. West. ibid.

A Fishing may pass by the name of *seperal, Piscaria in aqua de S.*

A Foldage. A Foldage may pass by the name of *de libertat. unius Foldagii & Cursu Ovium cum pertinen.* in F. or *de libero Faldagio Ovium cum pertin.* in F. or *de libera Falda*, West. Symb. 2 part.

A Chappel. A Chappel or Hospital will pass by the name of a Messuage, 13 Ass. 2.

Messuagium is a dwelling house So by the name of a Messuage, with the Appurtenances may pass a House, with a Shop, Curtilage, Garden, Orchard, also a Dove-house and Mill as parcel thereof, *Bract. lib. 5. cap. 28. sect. 1. Plow. fol. 169, 170, 171.*

Curtillagium a Garden or Yard near or belonging to a Messuage. So by the name of a Cottage, a Toft, a Chamber, a Cellar, &c. may pass, and yet these also may pass alone by their own single Names of *de uno Mesuagio, uno Curtilagio, &c.* West. ut supra.

A Toft is a place wherein a Messuage hath stood. Part of an intire thing may pass by the words *de medietate, de tertia parte*, or *de duabus partibus in tres partes dividend.* (as the Case requires) so *de Medietate omnium decimarum*

marum Granorum & Feni ac Terræ vocat. B. cum pertin. in H.

But if an intire Thing, as a Mannor, Messu- Mannor di-
age be parted, as if the Mannor of S. be di- vided.
vided into two parts, and the divilion be so
made, as that the Mannor for that part be not
extinct, and a Fine is to be levied of part of
it; it must pass by the name of the whole, as
de Manerio de S.

So if a Messuage and 23 Acres of Land be Messuage, &c.
parted, the part divided may pass by the name divided.
of one Messuage, and ten Acres of Land, and
not *de Medietate unius Mesuagii & viginti &*
trium acrarum terræ.

Molendinum, is good without adding *ven-* Molendinum.
tritricum, or *aquaticum* or *granaticum*, yet the
latter is most usual, 44 E. 3. f. 13.

Land may be demanded by a certain number Land demand-
of Acres, as *de decem Acris Terræ, viginti* ed how.
Acr. Prati, ducent. Acr. Pasturæ, &c. or by
the certain measure of the superficial quantity
thereof, as *de Hida, Carucata, Bovata, Vir-*
gata, Acra, Roda, Furlingo Terre, &c.

In like manner *Boscus, Subboscus, Brüera, Boscus, Sub-*
Mora, Funcaria, Mariscus, Alnetum & Rusca- boscus, &c.
ria, may be demanded by the number of Acres
thereof, 16 Ass. 9.

Turbary may be demanded by the name of Turbary.
Moræ. Rent, by the number of the Things, or
that which is to be rendred; as *decem Libr. de-*
cem Marr. duodecim Solid. sex Denar. un. Obol.
&c. 21 E. 3. 44.

But note, That it is usual in Fines to com- contained in
prehend more number of Acres than are in- the Fine than
tended pass.

tended to pass, and this will not hurt; for in such Case no more shall pass than what is intended and agreed upon between the Parties, *Popb. Rep. 105.*

See more for these Things in *West. 2 part.*

Of the Concord of a Fine.

How the Particulars are to be named in the Concord,

HAVING considered the placing of Parcels in Fines, and by what Names, which in drawing of Concords are recited in the *Precipe*, being the Head or Title thereof, and are to be in the same order and words as are to be in the Original Writ, being the recital and direction thereof; let us next examine and consider the Concord it self,

Things not recited again.

In the Concord the Particulars or Parcels need not, nor are used to be recited over again, as in the *Præcipe* for the Writ of Covenant, (or in any other Original Writ whereon the Fine is to be levied;) but it will be sufficient to say,

Et est Concordia talis scilicet quod A. recogn. Tenementa præd. cum pertin. esse jus ipsius B. &c.

And by these words *Tenementa præd.* any number or quantity of distinct Things or Parcels will be well enough expressed.

Things recited again.

But if the *Precipe* be of intire Things by themselves, as *de Manerio*, or *Maneriis cum pertin. in A.* then must you say in the Concord,

Et est Concordia talis scilicet quod præd. A. recogn. Manerium, or Maneria præd. cum pertin. esse jus, &c.

Neither

Neither will Messuages named by themselves Example.
in a *Precipe*, pass by the word *Tenementa* in
the Concord; also an

Honour,	Oblations,
Castle,	Toll,
Island,	Stallage,
Barony,	Pontage,
Hundred,	View of Frankpledge,
Borough,	A Liberty.
Knights Fee,	Franchise,
The scite of a Mannor,	Office,
A Park,	Bailiwick,
Prebendry,	Fair,
Rent,	Market,
Common,	Passage,
A Warren,	The Moiety or Part of
Fishing,	an intire thing.
Rectory,	Wreccum Maris,
Tythes,	The Advowson of a

Church or Portions of Tythes must be particularly
named in the Concord, as well as in the
Precipe.

Next we are to consider the end and intent
of the Fine, which is to pass a Right, and limit
Estates from one to another.

The end and
Intent of a
Fine.

And this appears by the Concord thereof,
in which it is to be noted, That though there
be divers Cognizees, yet the right shall be li-
mited to one of them only, and the Estate li-
mited to his Heirs only whose right it is ac-
knowledged to be. See *West. Symb. Tit. Fines*,
3 H. 6. 42, 24 E. 3. 64.

How the right
is to be limited

As

(As thus,) A. is Cognizor, B. and C. Cognizees,

Example.

Et est Concordia talis scilicet quod præd. A. cogn. Tenementa præd. cum pertin. esse jus ipsius B. ut ill. quæ iidem B. & C. habent de dono præd. A. Et ill. remisit & quiet. clam. de se & hered. suis præfat. B. & C. & Heredibus ipsius B. imperpetuum. Et pro hac, &c.

Concerning
the Release
and Warranty

It is also said, That the Release and Warranty must be by one of the Cognizors, and from him and his Heirs only; for in a Fine from divers, the Fee must be supposed to be in one of them only, 21 E. 3. 33. but I find the Use generally otherwise.

Indeed in a Fine from a Man and his Wife it seems sometime to that purpose, as thus,

From Husband
and Wife, the
Fee being in
the Husband.

Precipe A. B. & C. ux. ejus quod juste, &c. ten. D. Con. &c.

Et est Concordia talis scilicet quod præd. A. & C. recogn. Tenementa præd. cum pertin. esse jus ipsius D. ut ill. que idem D. habet de Dono præd. A. & C. Et ill. remisit. & quiet. clam. de ipsius A. & C. & hered. ipsius A. præfat. D. & hered. suis imperpetuum Et preterea iidem A. & C. concesser. pro se & hered. ipsius A. quod ipsi Warr. præd. D. & hered. suis præd. Tenementa cum pertin. contra ipsos A. & C. & hered. ipsius A. imperpetuum Et pro hac, &c.

From the Husband
and Wife
of the Wives
Lands.

Precipe A. B. & C. ux. ejus quod juste, &c. teneant D. Con. &c.

Et est Concordia talis scilicet quod præd. A. & C. recogn. præd. Tenementa cum pertin. esse jus ipsius D. ut ill. quæ idem D. habet de Dono præd.

pred. A. & C. Et ill. remis. & quiet. clam.
de ipsis A. & C. & hered. ipsius C. p̄fat. D.
& hered. suis imperpetuum Et preterea iidem
A. & C. concesser. pro se & hered. ipsius C. quod
ipsi Warr. pred. D. & hered. suis pred. Tene-
menta cum pertin. contra pred. A. & C. & he-
red. ipsius C. imperpetuum Et pro hac, &c.

And so it may be from two others, the Fee
being in one of them.

But generally where there is divers Cognizors
in a Fine, the Release is from them and their
Heirs, as thus, By Husband and Wife; and the
two other Conusors to two Conusees.

Et est Concordia talis scilicet quod pred. A.
& B. C. & D. recogn. Tenementa pred. cum
pertin. esse j̄us ipsius E. ut ill. quæ iidem E. &
F. habent de Dono pred. A. B. C. & D. Et ill.
remis. & quiet. clam. de ipsis A. B. C. & D. &
heredibus suis p̄fat. E. & F. & hered. ipsius
E. imperpetuum Et preterea iidem A. B. C.
& D. concesser. pro se & hered. ipsius A. quod
ipsi War. Tenementa pred. cum pertin. p̄fat. E.
& F. & hered. ipsius E. contra omnes homines
imperpetuum. Et pro hac, &c.

Release from
the Cognizees
& heredib. suis.

Warranty Ge-
neral.

Or if the Warranty be special, thus, A. B. Warranty
C. & D. Et hered. ipsius A. imperpetuum. Special.

And in these Cases each of the Conusors
may warrant apart if they will, and one may
give a General Warranty, and the other a Spe-
cial Warranty; and 'tis the usual practice to
warrant apart where there are divers Cognizors,
as thus, in the former Cases.

Several War-
ranties.

Et preterea iidem A. & B. concesser. pro se
& heredibus ipsius A. quod ipsi warr. Tenementa
cum

Example.
First from A.
and B. Husband
and Wife.

*cum pertin. prefat. E. & F. & hered. ipsius E. contra pred. A. & B. & hered. ipsius A. imperpetuum Et * ulterius idem C. concessit pro se & heredibus suis quod ipsi Warr. Tenementa pred. cum pertin. prefat. E. & F. & hered. ipsius E. contra pred. C. & hered. suos imperpetuum Et * etiam idem D. concessit pro se & heredibus suis quod ipsi Warr. Tenementa pred. cum pertin. prefat. E. & F. & hered. ipsius E. contra pred. D. & hered. suos imperpetuum Et pro hac, &c.*

And so of the like by these Words, *Et preterea, Et insuper, Et etiam, Et ulterius, Et denique, &c.* as you may observe in the following Presidents.

Several Purchases in one Fine.

And note, That Lands bought of divers Persons, by several Purchasors, may well pass in one Fine, and then the Writ of Covenant must be brought by all the Vendees against all the Vendors, and every Vendor must Warrant against him and his Heirs only. And these Joint Fines are seasonable when the Purchases are of small value. See after a Precipe and Concord, Where one Cognizor warrants one part, another another part, and another another part.

Several Writs of Covenant, and when.

And note further, That one Concord may be of Lands in several Counties, and the Fine *pro Licencia Concord'* of all extracted entirely; but there must be several Writs of Covenant returnable all at one day, *Dyer f. 227. pl. 24.* See *West. Pres. Tit. Fines.*

How

How Fines are to be levied, and before what Persons.

THE Persons are either such as take the Cognizances of Fines, or the Persons to whom such Cognizances are certified. Who may take the Cognizances of Fines, and certify them, &c.

Some Persons may take Cognizance of Fines, *ex Officio*, and by vertue of their Office.

Others must be authorized thereto by Commission, else they cannot do it.

Ex Officio, The Lord Chief Justice of the Court of Common Pleas hath power to receive and certify the acknowledgment of all manner of Fines without any Commission as well in Court as out; also two of the Justices of the same Court, have power so to do in open Court, *Jenk. Cent. 4. Case 28.*

As for others they take them by Commission, *By Commission*, either General or Special, issuing out of the Chancery. So Justices of Assize, who are by Commission, may do it by the general words of their Patent, yet they do not use to certify them without a special Writ of *Dedimus Potestatem*, *Dyer 224, 377. 2 Co. Inst. 512, 513, 514. West. Symb. 2 part. Bro. Fines 120. Jenk. 4. and 28.*

Also Judges of both Benches, and Barons of the Exchequer, do usually take the Cognizances of Fines before a *Dedimus Potestatem* sued out, and afterwards to certify the same upon the *Dedimus*, *Jenk. ut supra, & Cent. 7. Case 3.* Certificate after Dedimus
But

Country Com-
missioners.

But besides these, there are other Commis-
sioners, who are impowred by a *Dedimus Po-
testatem* directed unto them for that purpose ;
and they ought to be honest and understanding
Gentlemen, usually living about that part of the
Country, or place where the Cognizors dwell,
who are to acknowledge the Fine before such
Commissioners, one whereof must be a Knight.

One to be a
Knight.

This Writ of *Dedimus* doth surmise, that
the Parties who are to acknowledge the Fine
are not able to travel to *Westminster*, for the
doing thereof, and therefore the Commissioners
are authorised to take their Cognizance, and
this they may take from them altogether at
once, or asunder, at several times and in several
Places as they please, as you may see by some of
the Presidents at the later end.

Cautions.

But if the *Dedimus* be to two jointly to do
it, one of them in this Case ought not to do
it alone ; or if it be to three jointly, two of
them ought not to do it, for it will be Error ;
therefore care must be taken concerning their
joint and several Power ; so if one of the Cog-
nizees be one of the Commissioners, and he
himself take it, it is Error, *Fitz. N. B. 146,*
147. Dyer 220. 1 Cro. 249. See Forme bene
placitandi, Tit. Errors Assign.

How to sue out a Fine before the Lord Chief Justice of the Com- mon Pleas.

First draw your *Precipe* fairly in Paper, thus,

Wilts' ff. **P** *Recipe Willielmo Owen quod iuste, &c. teneat Samueli Potter Con-
ventionem, &c. de uno Mesuagio duobus Gar-
dinis, viginti Acris Terre, decem Acris Prati,
& decem Acris Pasture cum pertin. in S. Et
nisi, &c. Then write the Concord, as under
observe. ** The *Precipe*.

Then ingross it fairly in Parchment with the Note, The
Concord; many Forms whereof you will find Paper Copy is
in this Treatise, as the Case requires, suppose to remain with
it thus, viz. the Clerk of
the Fines.

* *Et est Concordia talis scilicet quod pred. The Concord.
Willielmus recogn. Tenementa pred. cum per-
tin. esse jus ipsius Samuelis ut ill. quæ idem
Samuel habet de Dono pred. Willielmi. Et ill.
remiser. & quiet. clam. de se & heredibus
suis predicto Samuel. & heredibus suis im-
perpetuum Et preterea idem Willielmus con-
cessit pro se & heredibus suis quod ipsi Warr.
predict. Samuel. & heredibus suis predict. Te-
nementa cum pertin. contra ipsum Willielmum
& heredes suos imperpetuum Et pro hac,
&c.*

You

You may also for dispatch write the Caption underneath it thus, on the left Hand,

*Capt. & cognoit: primo
die Junii Anno Regni
Domini Willielmi &
Dominae Mariae nunc
Regis & Reginae Angl.
&c. quarto coram me*

The Cognizor must subscribe his Name on the right Hand thus,

William Owen.

Also some body that knows the Parties must signifie such his knowledge at the bottom thereof thus,

✱

A. B. cogn. Partes.

Note, The Clerk of the Fines usually sees these two done.

Writ of Covenant.

Alienation Office.

Then go with the Cognizor or Cognizors to the Lord Chief Justice of the Common Pleas, at his Chamber, and deliver your Paper or Parchment to the Clerk of the Fines, who will enquire of him that comes with the Parties to the acknowledgment of the Fine, if he knows them, and see that he subscribes to the Fine as aforesaid; which done, he will get the Lord Chief Justices Hand to the Caption of the Concord, ingrossed in Parchment, (and also to the Copy thereof, in Paper, which is to remain with the Clerk of the Fines,) Then you are to carry the Concord, in Parchment, to the Cursitor of the County where the Lands lie, and there get your Writ of Covenant made, which (before it be sealed) you are to carry to the Alienation Office, and there compound it, and get it entred and endorsed; then carry it back to the Cursitor, who will get it sealed; and this being done, you must make a Warrant of Attorney for the Fine in this manner.

Wiltes

Capt

Wiltes ff. *Samuel Potter, po. lo. suo A. B. At-* Warrant of
torn. suum ad prosequend. Breve de Attorney.
Con. vers. Willielmum Owen de Ter-
ris & Tenementis in S. &c.

cribe

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e Fine

Wiltes

This Warrant of Attorney you are to file with the Clerk of the Warrants, who will file your Writ of Covenant. Warrant filed:

Then file the Writ of Covenant and Precipe and Concord together, and carry them to his Office, who is to return Writs of Covenant, who will return and sign the Writ of Covenant with his Stamp. Writ of Cove-
nant returned.

From thence carry it to the *Custos Brevium*, who makes his Entry thereof upon the Rolls, and will indorse upon the Writ when the Proclamations are to be made. Custos Breviū:
Proclamations
indorsed.

From thence to the Kings Silver Office, who will perform what belongs unto it there; and being once dispatched this Office, it is then a Fine in force of Law; afterwards carry it to the Chirographer, and there the Clerk who belongs to the County where the Lands do lie, will make the Indentures of the Fine, and then it is finished. Kings Silver
Office.
Fine of force
in Law.
Chirographer.

How to acknowledge a Fine at the Bar.

YOU must first make your Precipe in Paper for the Curitor of the County to make the Writ of Covenant, and having receiv'd it from him sealed, then write a Precipe and Writ of Cove-
nant.

Precipe and
Concord
delivered to a
Serjeant at
Law.

Appearance of
Cognizors re-
corded.

and Concord thereof in Parchment, and deli-
ver them all to one of the Serjeants at Bar,
the Cognizors being also present.

Then the Serjeant will desire the Justices to
record the Appearance, which being granted the
Serjeant saith,

Deniers le Roy & Royne.

Then answereth the second Prothonatary, or
his Clerk,

Que Donera.

Then the Serjeant will answer thus,

Cestuy que avera.

Then the second Prothonatary or his Clerk
answereth again,

Trabes le Paix.

The Concord
in French.

Examination.

Note, A Feme

Covert ought

not to be ex-

amined upon

any Fine, but

where she and

her Husband

do pass some

Estate or In-

terest, or re-

lease her right

by Fine of the

Lands and Te-

nements; Co.

Lit. 353.

Fees of Court,

Then the Serjeant will say, *Ove vostre Conge
la Paix est tiel, scilicet, &c.* reciting in French
the substance of the Concord, with relation
to the Lands in the Precipe. And after that,
if any of the Cognizors be Feme Covert, or
Married Woman, the Serjeant will direct her
to go up to the Puisne Judge, to the Bench, to
be examined of her consent to part with her
right in the Land, if whether she do it freely,
or by compulsion, and then the Judge taketh
the Concord, in Parchment, and reads her the
Contents, and examineth her privately apart;
and that done, she delivers it to the Prothona-
tary to be recorded.

After it is recorded you must pay the Fees of
the Court, and then take the Precipe and Con-
cord and file it to the Writ of Covenant, and
pass it through the several Offices as before di-
rected in case of acknowledgment before the
Lord Chief Justice.

The

*The manner of acknowledging and
levying a Fine before Commis-
sioners.*

DRAW your Precipe and Concord in Paper, which with the Commissioners Names, (one thereof must be a Knight,) you must deliver to the Cursitor of the County, who will thereby make out your *Dedimus Potestatem*, and get it sealed for you.

Then deliver the *Dedimus Potestatem* to the Commissioners, with the Precipe and Concord ingrossed in Parchment, with Wax and Seals unto it.

The Commissioners ought to take care that they know the Cognizors, and their fitness and capacity to be so; and if * Husband and Wife be Cognizors, the ought to be examined solely and apart, whether she does it of her own free will, or by threats and compulsion.

The Cognizance being taken, the Commissioners must † return the *Dedimus Potestatem* thus, viz.

*Executio istius Commissionis patet in quadam
Schedula huic Commissioni annexa.*

And then filing the Concord to the back of the *Dedimus*, the Commissioners must set their Seals to the Concord, and their Hands to the *Dedimus*, under the return thereof.

Dedimus delivered to the Commissioners

* It is a Rule,

That where the Right of the Wife shall pass by Fine from her, she is to be examined; but if nothing is moved in the Fine but only that they two do take an Estate by it, this will not conclude, and therefore she is not to be examined.

† Return of *Dedimus*.

Caption.

The Caption also must be entred under the Concord, and the Commissioners Names subscribed thus,

*Capt. & cognit. apud A. in Com. B.
decimo sexto die Septembris Anno
Regni Domini Willielmi & Demi-
næ Mariæ nunc Regis & Reginae
Angl. &c. quarto coram nobis*

A. B.

C. D.

The Caption is first in Course.

Certificate.

Your *Dedimus* being returned, carry it to the Cursitor, who will make the Writ of Covenant, and then pass the Fine as before is directed. And note, That if none of the Commissioners who took the Caption was a Knight, you must then draw up a Certificate upon the back of the Concord, and carry it to a Judge of the Common Pleas for his Allocatur.

The form of the Certificate, a Feme Covert being a Cogizor.

A. B. Gent. One of the Commissioners in the Writ of Dedimus, named, maketh Oath, that this Fine was duly executed, the Cognizors of full Age, and the Feme Covert (being secretly and apart examined) willingly consented, A. B.

Note, The Commissioners are to return their *Dedimus* with the Concord annex'd, within one year next after the taking the same Conusance at farthest; and if they refuse to return or certify this, the Party grieved by it, may by a Writ called *Cognitionibus admittendis*, or a *Certiorari*,

Certiorari, compel that Commissioner that hath it in his Custody, or his Executor or Administrator (if he be dead) to certify it, Stat. 23 *El. cap.* 3. *Dyer* 220, 246. 320, *Fitz. N. B.* 147. Co. 5. 39.

Next we proceed to the Forms of Precipes and Concords; and first we will observe the Form of each of the four sorts of Fines before mentioned, viz.

1. *A Fine sur Cognizance de Droit come ceo, &c.*
2. *A Fine sur Done, Grant & Render.*
3. *A Fine sur Done & Grant tantum.*
4. *A Fine sur Concessit.*

Of which in order.

The Form of a *Fine sur Cognizance de Droit come ceo, que il ad de son done, single.*

Precipe A. B. qđ iuste &c. teneat. C. D. Conventionem &c. de uno Meluagio uno Cottagio & decem Acr Pastur cum pñd in C. Et nisi &c.

Et est Concordia talis scit qđ pñd A. recognō Tenementa pñd cum pñd esse ius ipsius C. ut ill' que idem C. habet de dono pñd A. Et ill' remisit & quiet claud de se & heredibus suis pñd B. & heredibus suis imperpetuum Et pñd idem A. concessit pro se & heredibus suis qđ ipsi warrant pñd B. & heredibus suis Tenementa pñd cum pñd contra pñd A. & heres suos imperpetuum Et pro hac &c.

Note, The Concord must contain no more Land or other things than are in the Writ of Covenant, as if the Writ be of the Mannor of *D.* only, and the Concord is of the Mannor of *D.* and Mannor of *S.* In this Case the Fine as to the Mannor of *S.* will be voidable, 2 *Co. Inst.* 513.

If a Fine be levied to any Person not named in the Writ of Covenant; as if *A.* be Plaintiff in the Writ of Covenant against *C.* and *C.* levieth a Fine to *A.* and *B.* this is not a good Fine, but avoidable by Writ of Error, 2 *Co. Inst.* 513, 514.

If Rent be reserved upon this sort of Fine, it is void.

The Form of a *Fine sur Done Grant & Render*, otherwise called a double Fine.

Midd' ff. **P**recipe *A. B.* Gen' qd' iuste &c. ten' *C. D.* Conventio[n] &c. de Manerio de *C.* cum p[re]s[ent] &c. Et nisi &c.

Et est Concordia talis scilicet qd' p[re]s[ent] *A.* recognovit Manerium p[re]s[ent] cum p[re]s[ent] esse ius ipsius *C.* ut ill' que idem *C.* habet de dono p[re]s[ent] *A.* Et ill' remisit & quiet' claud' de ipso *A.* & heredibus suis p[re]s[ent] *C.* & heredibus suis imppetuum Et p[re]terea idem *A.* concessit pro se & heredibus suis qd' ipsi warr' Manerium p[re]s[ent] cum p[re]s[ent] p[re]s[ent] *C.* & heredibus suis contra ipsum *A.* & heredes suos imppetuum Et pro hac recognovit remissionem quiet' claud' Warrant Fine & Concordia idem *C.* concessit p[re]s[ent] *A.* p[re]s[ent] Manerium cum p[re]s[ent] Et ill' ei reddidit in eadem Cur' habens & tenens eidem *A.* & heredibus quos idem *A.* p[ro]crea-
verit

Grant & Render in Tail with divers Remainders over.

herit de corpore F. tunc uxoris eius tenent
de Capitalibus Dominis Feodi illi p serviti-
tia que ad pred Manerium pertinent Et si
contigerit qd idem A. obiret sine hered per
ipsum de corpore ipsius F. procreat tunc
post decessum ipsius A. pred Manerium cum
pred integre reman pred F. tenend &c. tota
vita ipsius F. Et post decessum ipsius F. pred
Manerium cum pred integre reman rectis hered
pred C. tenend &c.

Note, None may take the first Estate by way
of Render but the Cognizors or one of them.

If a Grant and Render in a Fine of
Land be immediately, & primo gradu, to one
that is no Party to the Writ, this is not good,
but immediately, or in secundo gradu, such a
one may take; as if two levy a Fine, and the
Grant and Render back again is to one of them
only, this is good enough, 2 Co. Inst. 514.

So if a Writ of Covenant be brought by A.
against B. of the Mannor of D. and B. levy a
Fine to A. come ceo, &c. in this Case A. may
grant or render the same to B. for Life, or in
Tail, the Remainder to E. in Fee; and this is
good as in a Deed by way of Remainder,
2 Inst. 514. Bro. 111, 117, 118.

Note, No single or double Fine may be with a
Remainder over to any other Person not con-
tained in it, but it must be to the Conusee and
his Heirs only; nor can any Rent be reserved
upon a pure Fine sur Cognizance de Droit come
ceo, but upon a Fine of Grant and Render,
and upon sur Concessit only; nor may it be on
a Condition, 5 Co. 38.

Double Fine.

Note, That by a double Fine, or Fine with Render, almost any kind of Contract about Land may be made, and drawn up in form by a Fine of this nature, See *West. Symb. 2 part, Perk. sect. 629. Bro. Fines 108.*

Render.

Note, That the Render of a Rent (if any be) must be to one of the Parties to the Fine, and not to a Stranger, *Dyer 63. 39 Co. 2. in Lord Cromwells Case.*

Remainder.

A Man may not reserve to himself a less Estate by way of Remainder, than the Fee; as if *A.* levy a Fine of his Land to *B.* and *B.* regrant, and render it to *A.* for Life, this will be void, *14 H.4.31. 34 E.3.26. Dyer 33,34.69.*

Condition, Re-entry.

That there may not be a Condition or Clause of Re-entry for not payment of Rent inserted into this kind of Contract and Concord; and yet some hold that a Fine levied to one in Tail, upon a Condition, with a Remainder over, is good, *1 Co. 76. 6 Co. 33. 2 Co. in Cromwells Case, Dyer 33, 69. See 27 H. 8. 84. Plow. 34. 24 E. 3. 62.* Whereby it seems a Fine may be levied to one upon Condition, with Remainder, but not with Re-entry.

Note, That a Render of a Concord may not be of any other thing than what is in the Writ of Covenant, unless it be of a Rent, or Common issuing out of it, *18 E. 4. 12.*

Example upon this sort of Fine.

But a Fine may be (as hath been said) with a Render back again of some Estate in the same Land that passeth by the Fine, or some Rent out of it; so that in this kind of Fine there may be a Reservation of Rent, a Clause of Distress,

fines, or *Nomine pœnæ*, and a Warranty; and therefore if *A.* levy a Fine to *B.* *sur Cognizance de Droit come ceo*, &c. and *B.* by the same Concord doth grant and render the Land back again to *A.* for Life, without Impeachment of Waste, the Remainder to *C.* the Wife of *A.* for her Life; the Remainder to *A.* and his Heirs,

This is a good Concord, and by this Devise a Joynture may be, and is oft-time made for a Woman.

So if *I.* and *B.* his Wife levy a Fine to *A.* in Fee, *sur Cognizance de Droit come ceo*, &c. and then *A.* rendreth to *I.* for Life without Impeachment of Waste, the Remainder to *B.* his Wife for term of her Life, the Remainder to *I.* and his Heirs, this is good, *Bro. Fines* 108.

And by this Form a Lease for Life or Years may be made by Fine with a Render. The Lessee must acknowledge the Land to be the right of the Lessor that is seized of the Land, as that, &c. and then the Lessor must grant and render the same back again to the Lessee (that is Conusor in the Fine) for Life, or for certain number of Years (as the Agreement is) reserving Rent with Clause of Distress; and this is a good Fine, and a common Device for this purpose; but if the Lessor be Tenant in Tail, it seems this kind of Fine will not bind the Issue in Tail.

And yet if *A.* Tenant in Tail, and *N.* do by Fine acknowledge the Land to be the right of a Stranger, as that, &c. and then the Stranger (that is the Cognizee) doth grant and render the

the Land again to N. for Life or Years, rendering Rent with Clause of Distress, &c. and then grant and render the Reversion to the Tenant in Tail, this will be a good Fine to bar the Issue in Tail also, and will likewise pass the Rent and Reversion to the Tenant in Tail also, *Bro. Fines* 106, 118. *6 Co.* 33. *1 Co.* 76. *Plow.* 435. *Dyer* 279. *Perk. sect.* 629.

Aliter.

To have a Lease for Years to bind a Tenant in Tail. The Tenant in Tail and the Lessee did acknowledge the Tenements to be the right of one A. a Stranger, who did grant and render the same Fine to the Lessee for Years, the Remainder to the Lessor and his Heirs, this was with Proclamations; this is a good Lease to bar the Issue in Tail, *44 E.* 3. 45.

Aliter.

That by a Fine with a Render a Lease for Years may be made thus also. If one that is Tenant in Tail within 11 H. 7. accept of a *Fine sur Cognizance de Droit come ceo*, &c. and then by the same Fine render back the Land to the Cognizor for 100 Years; this will be a Discontinuance, and bind the Issue by this Statute, *2 Leon. Case* 206.

The Form of a *Fine sur Cognizance de Droit tantum*.

Midd' ff. **P** Recipe A. B. & C. uxori eius
qđ iuste et. teneant D. E. Con-
ventionem et. de tertia parte trium Mesu-
gior. trium Mottor. trium Carduorum du-
cent Acr Terre sexagint Acr Prati & centid
Acr

Act Pasture cum p̄m in F. G. & H. Et
nisi &c.

Et est Concordia talis scilicet qđ p̄b A. &
C. recogni tertiam partem p̄b cum p̄m
esse ius ipsius D. Et concesser qđ eadem
tercia pars cum p̄m (quam J. B. vid tenet
ad terminum vite sue de hereditate ipsius C.
die quo hec Concordia facta fuit Et que post
mortem eiusdem J. B. ad ipsos A. & C. re-
verti debuit) reman p̄fat D. & heres suis
imperpetuum tenend &c. Et p̄terea iidem A.
& C. concess. pro se & heredibus ipsius C. qđ
ipsi war̄ p̄fat D. & heredibus suis tertiam
partem p̄b cum p̄m sicut p̄b est contra
se & heres ipsius C. imperpetuum Et pro
hoc &c.

Grant of a
third part in
Reversion by a
Co-partner.

When the words *Come ceo que ill' ad de son
done*, viz. *ut ill' quæ idem the Cognizee habet
de dono p̄ad.* the Cognizor, are left out in a
Fine, and such Fine be levied to him who hath
the Freehold of the Land, then it is called (a
Fine upon Release) and is to be executed; but
if he that acknowledgeth the Fine be seized of
the Land, and he to whom it is levied hath
not the Freehold of the Land, then it is called
a Fine Executory, and must be executed, un-
less the Party be in possession, and then there
needs no Writ of *Habere fac' seisinam*.

A Fine upon a Lease, as it seems, may not
enure to an use, that is, It may not be intended
to the use of any other but to him to whom it
is levied, unless an Use be expressed in the Fine,

or

or in another Deed; and if a Disseisor be, and the Disseisee levieth a Fine upon a Release, thereby the Right is gone, and a Stranger may levy such Fine to Tenant for Life, and it shall be no Forfeiture of his Estate, 3. Leon. 36, 37. 3 Co. Inst. 36.

The Form of a *Fine sur Concessit.*

Midd. ff. **P**recipe A. B. & C. urⁱ ejus qd^o iuste &c. teneant D. E. Cui⁹ Conventionem &c. de duobus Molendinis centum & sexaginta Acr⁹ Terre sexaginta Acr⁹ Prati & quinquaginta Acr⁹ Pastur⁹ cum p^{ri}mo in ff. ac de omnibus decimis Granor⁹ exund⁹ de Tenementis p^{re}b⁹ cum p^{ri}mo necnon de omnibus decimis Lane & Agnorum p^{ro}venien⁹ de trescentibus Ovibus depastur⁹ super Terras decimales Manerii de ff. Et nisi &c.

Lease for 99
Years *sur Con-*
cessit.

Et est Concordia talis scilicet qd^o p^{re}b⁹ A. & C. concessit Tenementa & decimas p^{re}b⁹ cum p^{ri}mo p^{re}fat⁹ D. Et illⁱ ei reddider⁹ in ead⁹ Cur⁹ habend⁹ & tenend⁹ eidem D. a p^{ri}mo die Aprilis ult⁹ p^{re}terit⁹ usq^{ue} finem & termin⁹ nonaginta & novem annorum. tertunc p^{ro}or⁹ sequen⁹ & plenar⁹ complen⁹ & finien⁹ reddend⁹ inde annuatim p^{re}b⁹ A. & heredibus suis duos solid⁹ legalis monete Ang^l ad Fest⁹ Sancti Michis Archi & Annunciation⁹ Beate Marie Virginis p^{er} sepales Portiones annuatim solvend⁹ toto termino p^{re}b⁹ si petatur Et p^{re}b⁹ A. & C. & heres ipsius A. warrant⁹ p^{re}b⁹ D.
Tene

Tenementa & decimas p̄d̄ cum p̄t̄id (sic
p̄d̄idum est contra ipsos A. & C. & heres
ipsas A. Et contra omnes al' clamantes per
p̄d̄ A. toto termino p̄d̄ Et p̄ hac &c.

Note, The Render of Rent must be to one
of the Parties, and not to a Stranger, *Dyer* 63.
2 Co. 39.

Upon a Lease for Life, for 99 Years if the
Cognizors shall so long live.

Et est Concordia talis &c. (as before usq)
plenar' complend' & finiend' si p̄d̄ A. & C.
aut eorum alter tam diu vixerit vel vixerint
reddend' p̄inde eidem A. & C. & eorum
sup̄viventi nunc grand' piperis annuatim sol-
vend' ad Fest' (&c) durand' toto termino p̄d̄
si petatur Et p̄terea iidem A. & C. watan' &
p̄d̄ D. p̄t̄id & decimas p̄d̄ cū p̄t̄id sicut
p̄d̄ est contra p̄d̄ A. & C. & heres & assigni
suos durand' vicis ipsorum A. & C. & vica eor'
diutius vident' Et p̄o hac &c.

Note, If a Tenant in Tail levy a *Fine sur*
Concessit for Life with Proclamations, and the
Tenant for Life die; in this Case the Bar of the
Fine is determined, *Moo. Case* 1026.

Precipe and Concord with Excepcion.

P̄cipie &c. Cōd &c. de Rectoria de A. cū
p̄t̄id except' Advocacione Vicar' Ecclesie
de A. Et nisi &c.

Et

Et est Concordia talis scilicet quod predictus R. recognoscit Rectorem predictum cum pertinentiis (exceptis preceptis) esse suis &c. Et illi remissionem (&c.) (exceptis preceptis) Et preterea idem (&c.) concessit pro se (&c.) quod ipsi warr (&c.) Rectorem predictum cum pertinentiis (exceptis preceptis) &c.

Note, The only Court of *Westminster* for suing out Fines, is the Court of Common Pleas, and thither they must be certified.

Also by the Stat. 2 E. 6. cap. 28. Fines may be levied in the County Palatine of *Chester*.

And by 37 H. 8. cap. 19. Of Lands in the County Palatine of *Lancaster*.

And by 5 Eliz. cap. 27. Within the County Palatine of *Duresme* alias *Durham*.

And if any other Persons, than such as are before mentioned, shall take the Cognizance of, or record Fines; or if they be levied in any other Court, or otherwise than as is before set forth, they will be void, or voidable at the least for Error, 2 Inst. 514. 515. Stat. 2 E. 6. cap. 28. 37 H. 8. cap. 19. 5 Eliz. cap. 27.

See the divers Forms of Precipes and Contracts following.

Divers

Divers Forms of Concords.

By one to one of a Mesuage and Lands.

Wiltes' ff. **P**recepto Willielmo Owen qđ
iuste &c. teneat Samueli Pot-
ter Conventionem &c. de uno Meluagio duo-
bus Gardinis viginti Acris Terre decem
Acris Prati & decem Acris Pasture cum per-
tinentiis in S. Et nisi &c.

Et est Concordia talis scilicet qđ predictus
Willielmus recognovit predicta Tenementa
cum pertinentiis esse sua ipsius Samuelis ut illi que
idem Samuel habet de dono predicti Willielmi
Et illi remisit & quiet clamorem de se & heredibus
suis predicto Samueli & heredibus suis imper-
petuum. Et preterea idem Willielmus concessit
pro se & heredibus suis qđ ipsi Willielmus pre-
dicto Samueli & heredibus suis predicta Te-
nementa cum pertinentiis contra ipsum Willielmum
& heredes suos impetuum. Et pro
hac &c.

If a Fine be levied *come ceo que ill' ad de
son done*, hereby a Fee-simple will pass without
any word of Heirs; and so also it is in the
Case of a Common Recovery, Co. Lit. 9.

By

By one to two of a Messuage, Lands and
Common.

Hertf. N. **P**recipe Benjamine Thompson qđ
iuste &c. teneat Henrico Joyce
& Roberto Rozris Conventionem &c. de tri-
bus Mesuagiis quinq; Gardinis centū Acris
Terre & ducentis Acris Wolci & Communia
Pasture p omnimodis Avertis cum pñd in
D. & B. Et nisi &c.

* If the Cogni-
zees be joynt
Purchasers, it is
sald *heredibus*
suis Instead of
the Heirs of
one of them.

Et est Concordia talis scilicet qđ pñd Ben-
jamins recognō pñd Tenementa & Com-
muniam cum pñd esse sua ipsius Henrici ut
ill que iidem Henricus & Robtus habent de
dono predicti Benjamins Et ill remisit &
quiete clam de se & heredibus suis predictis
Henrico & Robto & heredib⁹ * ipsius Henrici
impetuum Et pñd idem Benjamins
concessit p se & heredibus suis qđ ipsi war
predictis Henrico & Robto & heredibus ipsius
Henrici predicta Tenementa & Communia
cum pñd contra ipsum B. & heres suos im-
perpetuum Et p hac &c.

If a Fine be levied to two, & *heredibus*
without the word *suis*, this will be void for in-
certainty in a Fine as in a Deed, 37 H. 6. 5.

By two to two of a Mannor, Lands, Rent and Common, with Warranty against the Cognizors and the Heirs of one, to the Cognizees and the Heirs of one.

Somset. ff. **P**recepte **T. L. Ar & W. P. Gen**
 qd iuste &c. teneant **P. P. &**
S. D. Conventionem &c. de **Manerio de D.**
 cum p^{ri}o ac de septem **Veluagiis** duobus
Loftis uno **Volendino** duobus **Columbar**
 decem **Gardinis** quingent **Acris** **Terre** cen-
 tum **Acris** **Prati** ducentis **Acris** **Pasture** vi-
 ginti **Acris** **Volci** centum **Acris** **Wuere** du-
 cent **Acr** **Woze** quadraginta **Acris** **Iuncarie**
 viginti **Acris** **Marisci** decem **Acris** **Alneti**
 duodecim **Acris** **Ruscarie** viginti solidat red-
 dit & **Communia Pasture** p^o omnimod^o **averiis**
 cum p^{ri}o in **D. L. & D.** Et nisi &c.

Et est Concordia talis scilicet qd p^odict **T. &**
W. recogn^o p^odicta **Manerium Tenementa**
 reddit & **Communiam** cum p^{ri}o esse ius ip-
 sius **P.** ut ill^o que iidem **P. & S.** habent de
 dono p^odictorum **T. & W.** Et ill^o remis-
 runt & quiete clard^o de ipsis **T. & W.** & he-
 redibus ipsius **T.** p^ofat **P. & S.** & heredibus
 ipsius **P.** imp^opetuum Et p^oterea iidem **T.**
 & **W.** concesserunt pro se & heredibus ipsius
T. qd ipsi warant p^odictis **P. & S.** & heredi-
 bus ipsius **P.** p^odicta **Manerium Tenementa**
 reddit & **communiam** cum p^{ri}o contra ipsos
T. & W. & hered^o ipsius **T.** imp^opetuum Et
 p^o hac &c.

E

By

By two with several Warranties.

Et est Concordia talis scilicet quod predictus S. & R. recognovimus predicta Tenementa cum pertinentiis esse jus ipsius A. ut illa que idem A. habet de dono predicti S. & R. & illi remiserunt & quiete claram de ipsis S. & R. & heredibus suis presentibus A. & heredibus suis imperpetuum Et preterea idem S. concessit pro se & heredibus suis quod ipsi warant predicta A. & heredibus suis predicta Tenementa cum pertinentiis contra ipsum S. & heredibus suis imperpetuum Et ultimus idem R. concessit pro se & heredibus suis quod ipsi warant predicta A. & heredibus suis predicta Tenementa cum pertinentiis contra ipsum R. & heredibus suis imperpetuum Et per hoc &c.

Capitulum & cognitum primo die Masi Anno
Regni Regis Caroli secundi vicesimo
secundo coram

Jo. Vaughan.

By Husband and Wife.

Berks. ff. Precipe R. J. & A. uxori eius quod
iuste &c. teneant J. D. Conven-
tionem &c. de duobus Mesuagiis duobus Tol-
lis quatuor Acres Terre &c. cum pertinentiis in C.
Et nisi &c.

Et est Concordia talis scilicet quod predictus R. &
A. recognovimus predicta Tenementa cum pertinentiis esse
jus ipsius D. ut illa que idem D. habet de dono
predicti

Pdict R. & A. Et illi remis & quiet clam de
 ipsis R. & A. & hered ipsius R. pstat D. &
 hered suis imperpetuum Et pterea iidem R.
 & A. concesserunt p se & heredibus ipsius R.
 qd ipsi war pdict D. & heredibus suis pdict
 Tenementa cum pertin contra ipsos R. &
 A. & hered ipsius R. imperpetuum Et pro
 hac &c.

Of the Husband and Wife of the Wives Land.

Oxon. **P**recipe E. T. & M. uxor eius qd
 iuste &c. teneant S. L. Con-
 ventionem &c. de viginti & quatuor Acris
 Terre triginta Acris Wolci &c. cum pnd in
 D. Et nisi &c.

Et est Concordia talis scilicet qd pdict E.
 & M. recogit pdict Tenementa cum pnd esse
 ius ipsius S. ut illi que idem S. het de dono
 pdict E. & M. Et illi remis & quiet clam
 de ipsis E. & M. & hered ipsius M. pstat S. &
 hered suis imperpetuum Et pterea iidem
 E. & M. concesserunt pro se & heredibus ip-
 sius M. qd ipsi war pdict S. & hered suis
 pdict Tenementa cum pnd contra pdict E.
 & M. & hered ipsius M. imperpetuum Et p
 hac &c.

A Lease for Years by Fine sur Concessit.

Buck. **P**recipe L. B. qd iuste &c. teneat
 G. R. Conventionem &c. Et est
 Concordia talis scilicet qd pdict L. concessit
 pdict

p̄dict. G. p̄dict Tenementa cum p̄t̄id hēd
 & tenend p̄dict Tenementa eidē G. & assign
 suis a Festo Sancti Michaelis Archi ultimo
 p̄terito usq; finem & terminum viginti &
 unius annorum erunt p̄ox' sequend & ple-
 narie complend reddend inde annuatim toto
 termino p̄dict p̄fat G. & heres suis decem
 libras legalis monet Angl ad Festum An-
 nunciationis Beate Marie Virginis & Sancti
 Michaelis Archi p̄ equas & equales portiones
 solvend Et si contingat p̄dict reddit aretro
 fore in parte vel in toto post aliquod Festum
 Festorum p̄dict non solut tunc licebit p̄dict
 T. & heredibus suis in p̄dicta Tenementa
 cum p̄t̄id intrare & distringere Districcio-
 nesq; ibidem cap̄t abducere effugare & aspor-
 tare ac penes se retinere quousq; eis de p̄dict
 reddit & arreragiis ejusdem plenarie fuit sa-
 tisfact & solut Et p̄tea idem T. & heres sui
 warant p̄dict G. & Assign suis Tenementa
 p̄dict cum p̄t̄id contra ipsum T. & heres suos
 toto termino p̄dict Et p̄ hac &c.

Quere if this will bar the Issue in Tail, *Plow.*
 455. *Brook Fines* 116, 118.

Aliter.

The Lessee must acknowledge the Lands, &c.
 to be the Right of the Lessor, as that, &c. and
 then the Lessor must grant the same back again
 to the Lessee for the years agreed upon, reserving
 a Rent, with Clause of Distress, and Warranty
 in Form following :

Glouc.

Glouc' ff. **P**recipe **T. P.** Gen & **W. C.** qd
 iuste &c. teneant **J. W. & C. M.**
Con &c. Et est Concordia talis scilicet quod
 p̄dict **T. W.** recogn̄ p̄dict tēta cum p̄ind
 esse sus ipsius **J.** ut ill̄ que iidem **J. & C.**
 habent de dono p̄dict **T. & W.** Et ill̄ re-
 miserunt & quiete clam̄ de ipsis **S. & W.** &
 hered̄ ipsius **T.** p̄fat **J. & C.** & hered̄ ipsius
C. imperpetuum Et p̄terea iidem **T. &**
W. concesser̄ pro se & hered̄ ipsius **T.** quod
 ipsi warant̄ p̄dict tēta cum p̄ind p̄fat **J. &**
C. & hered̄ ipsius **J.** contra omnes homines
 imperpetuum Et pro hac recognitione re-
 missionē quiete clam̄ warantia sine & con-
 cordia iidem **J. & C.** concesser̄ p̄fat **T.** p̄dict
 tenementa cum p̄ind & ill̄ ei reddider̄ in
 eadem Cur̄ habend̄ & tenend̄ p̄dict tenementa
 cum p̄ind p̄fat **T.** & assign̄ suis a festo, &c.
 (ut supra.)

Or thus to bind the Issue in Tail.

The Tenant in Tail and the Lessee to ac-
 knowledge the Lands, &c. to be the right of
 of a Stranger, as that, &c. And the Cognizee
 to grant and render the Lands to the Lessee for
 certain Years, yielding Rent with a certain
 Clause of Distress, and then grant the Rever-
 sion to the Tenant in Tail, (*Brook Fines* 118.)
 in form following :

South' ff. **P**recipe **C. C.** Gen & **R. B.** quod
 iuste &c. teneant **H. M.** Con-
 E 3 ventis

ventionem &c. Et est Concordia talis scilicet
 quod p̄dict C. & R. recogn̄ p̄dict tenementa
 cum p̄iū esse ius ipsius H. ut ill &c. Et
 ill remis̄ &c. Et pro hac recogn̄ &c. p̄dict
 H. concessit p̄fat R. p̄dict tēta cum p̄iū
 Et ill ei reddidit in eadem Cur habend &
 tenend p̄dict tēta cum p̄iū p̄fat R. & al-
 ligū suis a festo &c. reddend &c. Et si con-
 tingat &c. quousq; &c. satisfact & solut
 Concessit etiam p̄dict H. p̄fat C. tam re-
 versionem p̄dictorum tenementorum cum per-
 tīn quam p̄dictum redditum duodecim libra-
 rum superinde reservat Et ill ei reddidit in
 eadem Cur habend tenend & p̄cipiend p̄dicta
 reversionem tenementorum p̄dictorum cum
 p̄iū & reddit p̄dict p̄fat H. & heres̄ suis im-
 ppetuum &c.

The like of Rent with *Nomine Penæ.*

Et si contingat p̄dict redditum decem li-
 brarum aut aliquam inde p̄cellam aretro fore
 post aliquod festum festorum p̄dictorum non
 solut p̄ spacium quadraginta dierum tunc
 p̄dict R. satisfaciet p̄dict J. & T. & heredis-
 bus ipsius J. centum solidos *Nomine Bene*
 Et tunc bene licebit p̄dict J. & T. & heredis-
 bus ipsius J. in p̄dict tēta cum p̄iū in-
 trare & distringere districtionesq; idē Cap̄
 abducere effugare & asportare ac penes se re-
 tinere quousq; tam de p̄dict reddit decem li-
 brarum quam de p̄dict pena centum solidorū
Nomine Bene cum arreragiis eorundē ple-
 nar fuit satisfact & p̄solut &c.

Clause

Clause of Re-entry cannot be in a Fine.

Warranties be sometimes general, viz. *contra omnes homines*. Sometimes against all except some Persons, sometimes against some Persons only, sometimes against every Cognizor and his Heirs severally, and sometimes against one of the Cognizors and his Heirs only, &c.

From one and his Wife, to one of a Mannor, Messuages, Dove-house, Gardens, Orchards, Land, Meadow and Pasture, Wood, Furze and Heath, Common of Pasture and Turbary, Free Foldage, and View of Frank-Pledge.

Norff. ff. **P**receptum R. D. alias W. Arm & Elizabethæ uxori ejus quod iuste &c. teneant J. D. generoso conventionem &c. de Manerio de T. als &c. ac de decem Mesuagiis uno Columbar decem Gardinis decem Pomariis mille Acris Terre viginti Acris Prati centum Acris Pasture centum Acris Bosci ducentis Acris Tampusorum & Buere Communia Pasture pro omnimodis abertis Communia Turbarie Libertate Faldagii & Vie Franc Pleg cum pñd in T. als &c. Et nisi &c.

Et est Concordia talis scilicet qd pñd R. & E. recognoverunt pñd Maneria Tenementa Communias Libertat & Vie Franc pleg cum pñd

ptin esse ius ipsius J. ut illi que idem J. habet de dono p̄dict R. & C. Et illa remis-
serunt & quiete clamaverunt de ipsis R. D. &
C. & heredibus suis p̄fat J. & heredibus suis
imppetuum Et p̄terea p̄dict R. & C. con-
cesserunt pro se & hered ipsius R. qd ipsi war
p̄dicto J. & heredibus suis p̄dicta Maneria
Tenementa Communias Libertat & Vic
Franc p̄leg cum p̄tin contra p̄dictos R.
& C. & hered ipsius R. imperpetuum Et p
hac &c.

Capit & cognit xxviii die Septembr
Anno Regni Regis Caroli secundi
duodecimo coram

Robert Hyde.

From one and his Wife, to two, of Messuages,
Cottages, Tofts, a Dove-house, Gardens,
Orchards, Land, Meadow, Pasture, Wood,
Furze and Heath, Rent, Court-Leet, and
View of Frank-pledge, and of the Moiety of
a Mannor, with Warranty against the Heirs
of the Man.

Hereff. ff. **P**recipe R. D. Generoso & Anne
uxori eius quod iuste &c. teneant
J. D. Gen & C. L. Gen Conventionem
&c. de sex Mesnagiis sex Cotagiis sex Toftis
uno Columbar duobus Gardinis duobus
Pomariis trescentis Acris Terre centum
Acris Prati ducentis Acris Pasture vigin-
ti Acris Bosci viginti Acris Jampnozorum &
Briere viginti solidat reddit Cur Let & Vic
Franc

Franc' pleḡ cum p̄t̄id in parva C. a'ls M. A.
P. & M. ac de medietate Panerii de M. Et
nisi &c.

Et est Concordia talis scilicet quod p̄dict R.
& A. recognoverunt p̄dict tenementa Cur
Lef. Wic Franc' pleḡ & medietatem p̄dictam
cum p̄nentiis esse ius ipsius J. ut illi que
iidem J. & G. habent de dono p̄dictorum R.
& A. Et illi remiserunt & quiete clamaver
de ipsis R. & A. & hered' suis p̄dict J. & G.
& hered' ipsius J. imperpetuum Et p̄terea
p̄dicti R. & A. concesserunt pro se & hered'
ipsius R. quod ipsi war' p̄dictis J. & G. &
hered' ipsius J. p̄dicta Tenementa Cur Lef
Wic Franc' pleḡ & medietatem p̄dictam cum
p̄t̄id contra p̄dict R. & A. & hered' ipsius R.
imppetuum Et p̄ hac &c.

Capit & cognit (ut supra)

From one to two of Land, Meadow and
Pasture with general Warranty.

Cantabr' A. P̄recepto J. H. Armigero quod
iuste &c. teneat T. C. Armis
gero & Jo. L. Clerico Conbencionem &c. de
triginta Acris Terre decem Acris Prati &
decem Acris Pasture cum p̄t̄id in S. & F.
Et nisi &c.

Et est Concordia talis scilicet qđ p̄dictus
J. recognovit p̄dicta tenementa cum p̄t̄id
esse ius ipsius T. ut illi que iidem T. & Jo.
habent

habent de dono p̄dicti Ia. Et ille remisit & quiete clamavit de se & heredibus suis p̄dictis L. & Jo. & heredibus ipsius L. imppetuum Et p̄terea p̄dicti Ia. concessit p̄ se & heredibus suis qđ ipsi war' p̄dictis L. & Jo. & heredibus ipsius L. p̄dicta tenementa cum p̄ciis contra ipsum Ia. & heredibus suos imppetuum Et pro hac &c.

Capit & cognit (ut supra.)

From one and his Wife to one of a Mannor, Land, Meadow and Pasture upon a Grant for 99 Years without impeachment of Waste, rendring a Pepper-Corn, with Warranty against the Heirs of the Man.

Som̄s. ff. **P**recipe R. B. & M. uxori eius quod fuisse &c. teneant C. B. Armigero Conventionem &c. de Manerio de M. cum p̄ciis ac de ducentis Acris Terre trecentis Acris Prati & ducentis Acris Pasture cum p̄ciis in M. Et nisi &c.

Et est Concordia talis scilicet qđ p̄dicti R. & M. concesserunt p̄dicto C. p̄dicta Manerium & Tenementa cum p̄ciis habendum & tenendum p̄dicta Manerium & Tenementa cum p̄ciis p̄dicto C. a Festo Sancti Michaelis Archangeli p̄xor' p̄terito usq; finem terminum nonaginta & novem annorum extunc p̄xor' sequen' & plenar' complens absq; imperitione alicujus vassalli reddens inde annuatim p̄dictis R. & M. & heredibus ipsius R. unum Granum

Gianum Piperis ad Festum Partivitatis
 Sancti Iohannis Baptiste si petatur Et pzed
 R. & M. & heres ipsius R. war pzed E. pdicta
 Panerium & Tenementa cum pertind sicut
 priedictum est contra priedictos R. & M. & he-
 res ipsius R. toto termino priedicto Et pro
 hac &c.

Capit & cognit (ut supra.)

From one and his Wife, to two, of the Moiety
 of a Moiety of twenty Acres of Meadow, and
 ten Acres of Pasture.

Civit' Coventr' ff. **P**recipe Johanni Sellar
 Generoso & D. urozi ejus
 qd iuste &c. teneant H. L. & J. M. Conven-
 tionem &c. de medietate medietatis viginti
 Acrarum prati & decem Acrarum Pasture
 cum pertind in Civitate Coventrie Et nisi
 &c.

Et est Concordia talis scilicet qd pdicti J. S.
 & D. recognoverunt pdictam medietate cum
 ptind esse ius ipsius H. ut illam quam iidem
 H. & J. M. habent de dono pdictorum J. S.
 & D. Et illi remiserunt & quiet clam de
 ipsis J. S. & D. & heredibus suis pfat H. &
 J. M. & heres ipsius H. imperpetuum Et
 pterea iidem J. S. & D. concesserunt pro se &
 heres ipsius J. qd ipsi war pdictis H. & J. M.
 & heres ipsius H. pdictam medietatem cum p-
 tind contra pdictos J. S. & D. & heres ipsius J.
 ac contra heres A. S. defunct matris ipsius
 J. ac

J. ac W. S. defuncti Avi p̄dicti J. ac contra omnes alios clamantes per p̄dictos J. S. & D. A. & W. aut eorum aliquem imppetuum Et p̄ hac &c.

Capit & cognit (ut supra.)

From one and his Wife, and two others, to one of a Mannor, Tenements, Rent and Common of Pasture.

Northt' ff. **P**recipe J. G. Armigero & C. uxori ejus J. M. Generoso & R. C. Generoso quod fuisse &c. tēd J. L. Militi & Baronetto Conventionem &c. de Panerio de R. cum p̄tind ac de sex Meluagiis quatuor Cottagiis duobus Molendinis uno Columbar' sex Gardinis sex Pomariis quadringentis Acris Terre viginti Acris Prati octoginta Acris Pasture quatuor Acris Wolci quadraginta Acris Zampnozū & Bruere quinquaginta solidat reddit reddit duor' Casponam & Communia Pasture p̄ omnimodis averiis cum p̄tind in R. alias &c. S. H. J. & A. parva Et nisi &c.

Et est Concordia talis scilicet quod p̄dicti J. G. & C. J. M. & R. recogn p̄dict Panerium Tenementa reddit & Communiam Pasture cum p̄tind esse jus ipsius J. L. ut illi que idem J. L. habet de dono p̄dictorum J. G. & C. J. M. & R. & illi remiserunt & quiete clamaverunt de ipsis J. G. & C. J. M. & R. & heredibus suis p̄dicto J. L. & heredibus suis
im.

impetuum Et p̄terea iidem J. G. & C. concesserunt pro se & heredibus ipsius J. quod ipsi war p̄dicto J. L. & heredibus suis p̄dicta Manerium Tenēta reddit & Communiam Pasture cum p̄tind contra p̄dictos J. G. & C. & heres ipsius J. impetuum Et ultius idem J. M. concessit pro se & heredibus suis qđ ipsi war p̄dicto J. L. & heredibus suis p̄dicta Manerium Tenementa reddit & Communiam Pasture cum p̄tind contra p̄dictum J. M. & heredes suos impetuum Et etiam idem R. concessit pro se & heredibus suis qđ ipsi war p̄dicto J. L. & heredibus suis p̄dicta Manerium Tenēta reddit & Communiam Pasture cum p̄tind contra p̄dictum R. & heredes suos impetuum Et p̄ hac &c.

Capit & cognit p̄dictos J. G. & C. vicesimo primo die Januarii Anno Regni Regis Caroli scđi duodecimo coram

G. P.
I. A.

Per spec̄ Dedimus
Potestatem Teste 8
die Januarii Anno
12 Caroli secundi.

Capit & cognit p̄dictos J. M. & R. C. primo die Februarii Año Regni Regis Caroli scđi tertio decimo coram

T. G.
T. B.

A Precipe of Stables (among other things.)

Midd' ff. **P**recipe Georgio Wright & Eliza-
berthe uxori ejus qđ iuste &c. ces-
neant Robto Horley Conventionem &c. de
duobus Mesuagiis tribus Stabulis & duobus
Gardinis cum ptin in Parochia Sancti Ege-
dii in Campis Et nisi &c.

Et est Concordia talis scilicet qđ pđicti G.
& E. recogn pđicta Tenementa cum pertin
esse suis &c. (ut supra.)

A Precipe of Rent issuing out of a Rectory.

London ff. **P**recipe E. D. vidue & J. B. & C.
uxori ejus quod iuste &c. ten
W. B. Con &c. de annuali reddit viginti &
duarum librarum exreud de Rectoria Paro-
chie Sancti Buttolphi extra Aldgate cum p-
tin Et nisi &c.

Et est Concordia talis scilicet quod pđicti
E. J. & C. recogn pđict reddit esse suis &c. ut
in al.

Another of the same.

Lincoln ff. **P**recipe A. B. qđ iuste &c. ten
J. C. Con &c. de annuali red-
dit 6 l. 12 s. 8 d. exreud de Rectoria de Horle-
stone cum ptin Et nisi &c.

A Precipe of Rent issuing out of divers Mannors.

Somerl. ff. **P**recipe H. S. quod iuste &c. ten
R. W. Tond &c. de annuali red-
dit 13 l. 19 s. 8 d. exund de Maneris de
Walton Chedder & Stowey cum pñd Et
nisi &c.

Of a Mannor, Tenements, Common of Pa-
sture for all manner of Cattle, and of the
Advowson of the Church of S. with War-
ranty against all Men.

Lincoln ff. **P**recipe Robto Thoroughgood Ge-
neroso & Anne uxorē eius quod
iuste &c. teneant Richardo Wetherbrook Con-
ventionem &c. de Manerio de S. cum pñd
ac de duobus Meluagiis septem Cottagiis
uno Columbar' duobus Gardinis duobus Pos-
mariis ducentis & viginti Acris Terre qua-
draginta & quinque Acris Prati quinquaginta
& quinque Acris Pasture & Communia Pasture
pro omnibus averiis cum pñd in S. Ac-
ciam de Advocatione Ecclesie de S. Et
nisi &c.

Et est Concordia talis scilicet quod pñd
Robtus & Anna recogn pñda Maneriu Te-
nements & Communiam Pasture cum pñd
ac Advocationem pñdam esse ius ipsius Ri-
chardi ut ill' que idem Richardus habet de
dono pñdorum Roberti & Anne Et ill' re-
miserunt

miserunt & quiete clamaverunt de se & heredibus suis p̄dicto Richardo & heredibus suis imppetuum Et p̄terea iidem Robertus & Anna concesserunt pro se & heredibus ipsius Anne qđ ipsi war p̄dicto Richardo & heredibus suis p̄dicta Manerid Tenementa & Communiam Pasture cum p̄tind ac Advocatione p̄dictam contra omnes homines imppetuum Et p̄ hac &c.

Capit & cognit nono die Februarii
Anno Regni Regis Caroli scđi
decimo scđo coram me.

Orl. Bridgman.

Of a Mannor, Scite of a Mannor, Tenements, Court-Leet, Court-Baron, View of Frank-Pledge, Rectory, and of all manner of Tythes, Oblations, Obventions, Pensions and Portions belonging to the said Rectory, and of the Advowson of the Vicaridge of the Church of T. from four to one, with Warranty by the first Cognizor against all Men, by the second against him and his Heirs, and by the two last being Husband and Wife, against them and the Heirs of the Wife.

Cantabr' ff. p̄ Recipe R. C. Armigero C. C.
sacre Theologie Doctori & C.
'C. Armigero & M. urozi eius quod iuste &c.
teneant G. D. Militi Conventionem &c. de
Manerio de C. H. cum p̄tind ac. de Scitu
Manerii de C. H. cum p̄tind acetiam de vi-
ginti Meluagiis quinq̄ue Cottagiis viginti
Cardinis

Cardinis viginti Pomariis septingentis
 Acris Terre centum Acris Prati quadrin-
 gentis seraginta & quatuor Acris Pasture
 quinquaginta Acris Bosci Cur Let Cur
 Baron & Mis Franc pleg cum ptin in C. H.
 S. G. H. C. T. & P. Ac de Rectoria de T.
 cum ptin Ac de omnibus & omnimodis de-
 cimis Oblationibus Obventionibus Pensio-
 nibus & Portionibus eide Rectorie spectand
 sive ptinend Acetiam de Advocatione Vicarie
 Ecclesie de T. Et nisi &c.

Et est Concordia talis scilicet qd pdicti R. C.
 & C. & P. recogn pdicta Maniz Scitum Te-
 nementa Cur Let Cur Baron Mis Franc
 pleg Rectoriam Decimas Oblationes Obven-
 tiones Pensiones & Portiones cum ptin ac
 Advocationem pdict esse ius ipsius G. ut ill
 que idem G. habet de dono pdictorum R. C.
 & C. & P. Et ill remiserunt & quiete cla-
 maverunt de se & heredibus suis pdicto G. &
 heredibus suis imppetuum Et ptea idem
 R. concessit pro se & heredibus suis qd ipsi
 war pdicto G. & heredibus suis pdicta Ma-
 nium Scitum Tenementa Cur Let Cur Ba-
 ron Mis Franc pleg Rectoria Decimas Ob-
 lationes Obventiones Pensiones & Porti-
 ones cum ptin ac Advocationem pdictam con-
 tra omnes homines imppetuum Et ultius
 idem G. concessit pro se & heredibus suis qd
 ipsi war pdicto G. & heredibus suis pdicta
 Manium Scitum Tenementa Cur Let Cur
 Baron Mis Franc pleg Rectoria Decimas
 Oblationes Obventiones Pensiones & Por-
 tiones

tionem cum p̄t̄m ac Advocationem p̄dictam
contra p̄dictum C. & heredes suos imppetu-
um Et etiam idem C. & M. concesserunt p̄
se & heredibus ipsius M. quod ipsi war' p̄dicto
C. & heredibus suis p̄dicta Manium Scitum
Tenementa Cur' Let Cur' Baron' Mil' Franc
pleg' Rectoria Decimas Oblationes Obven-
tiones Pensiones & Portiones cum p̄t̄m ac
Advocationem p̄dictam contra p̄dictos C. &
M. & heredes ipsius M. imppetuum Et pro
hac &c.

Capit' & cognit' quinto die Februarii
Anno Regni Regis Caroli secundi
Tridicesimo coram me

R. Hide.

Per commiss' Teste 24
Jan' ejusdem Regis 12

A Precipe of Mannors, Messuages, Cottages,
Water-Mill for Grain, Dove-houses, Gar-
dens, Orchards, Land, Meadow, Pasture,
Wood, Furze and Heath, Moor, *Land co-
vered with Water*, Rent and Common of
Pasture.

Staff. H. Precipe J. R. Armigero q̄b' iuste
&c. teneat J. M. Genoso Con-
ventionem &c. de Manis de B. & M. cum
p̄t̄m ac de triginta Messuagiis decem Cota-
giis uno Molendino Aquatico Granatico duo-
bus Columbar' triginta Cardinis triginta
Pomariis duabus mille Actis Terre ducentis
Actis Prati quingentis Actis Pasture
trecentis

trecentis Acris Bosci mille Acris Tarnpnoz
& Buere mille Acris Moze decem Acris
Terre Aqua coopte sexaginta solidat Reddit
& Communia Pasture pro omnibus averiis
cum p̄ind in Widdulph Overton Over Widdulph
Nether Widdulph Rushton Rushton
Grange Stoke & Wurschen Et nisi &c.

Et est Concordia talis scilicet quod p̄dictus
J. recognō p̄dicta Maneria Tenementa &
Communiam Pasture cum p̄ind esse jus &c.

Capit & cognit &c.

A Precipe of Mannors, Messuages, Tofts, a
Wind-Mill, Dove-houses, Gardens, Land,
Meadow, Pasture, Wood, Furze and Heath,
and of a Rectory and an Advowson.

Lincoln ff. **P**recipe J. L. Militi & M. L.
Armigero quod iuste &c. te-
neant G. L. Genolo Mania de H. alias &c.
& S. cum p̄ind ac septuaginta & novem Mes-
suagia Tria Tofta unum Molendinum Vens-
tricum undecim Columbar novaginta Car-
dina duas mille quingentas & quadraginta
Acras Terre septentas Acras Prati mille &
sexaginta Acras Pasture trecentas & quin-
quaginta Acras Bosci & centum Acras
Tarnpnoz & Buere cum p̄ind in Hon-
nington alias Hunnington Somerby Co-
ringham Springthorpe Gainesborough alias
Gainsburgh Wheathburgh alias Whear-
burgh & Magna Coringham Acetiam Res.
F 2 itoziam

ctoꝝiam de Honnignton alias Hunnington
cum pertiñ Pecnon Abbocationem Vicarie
Ecclesie de Honnington alias Hunnington
Et nisi &c.

Et est Concordia talis scilicet quod p̄dicti J.
& W. recogn̄ p̄dicta Maneria Tenementa &
Rectoriam cum pertiñ ac Abbocationem p̄
dictam esse jus &c.

Capit & Cognit &c.

Precipe and Concord where one Cognizor
warrants one part, another warrants another
part, and a third another part.

Midd. ff. **P**recipe A. B. Gen & C. ux. ejus
D. C. Gen & F. ux. ejus G. H.
Gen & I. ux. ejus qđ iuste &c. ten L. M. Ar
Conventionem &c. de tribus Messuag tribus
horreis tribus gardinis uno pomario quins
quaginta acris terre decem acris prati tri
ginta acris pasture & decem acris bosci cum
ptiñ in R. P. & S. Et nisi &c.

Et est Concordia talis scilicet qđ p̄res
A. & C. D. & F. G. & I. recogn̄ p̄res tene
menta cum pertiñ esse Jus ipsius L. ut ill
que idem L. habet de dono p̄res A. & C.
D. & F. G. & I. Et ill remis & quiet
clam de ipsis A. & C. D. & F. G. & I.
p̄refat L. & heredibus suis imperpetuum
Et p̄terea iidem A. & C. concesser p se
& heres ipsius A. quod ipsi warrant unū
messuagium unū horreū & unū gardinum
parceſ

parcel tenementorum pꝛeꝝ in B. pꝛeꝝ pꝛat L. & heredibus suis contra pꝛeꝝ A. & C. & hered ipsius A. imperpetuum Et etiam iidem D. & F. concessit p se & heredibus ipsius D. qđ ipsi warrant alterum Mesuagium unum horreum unum gardinū & pꝛeꝝ pomariū & pꝛeꝝ quinquaginta acr terre decem acr pꝛati triginta acr pasture & decem acr bolci parcel tenementorum pꝛeꝝ in B. pꝛeꝝ pꝛat L. & heredibus suis contra ipsos D. & F. & hered ipsius D. imperpetuum Et ulterius iidem G. & I. concessit p se & hered ipsius G. qđ ipsi warrant unum Mesuagium unum horreū unum gardinū resid tenementorum pꝛeꝝ in S. pꝛeꝝ pꝛat L. & heredibus suis contra pꝛeꝝ G. & I. & hered ipsius G. imperpetuum Et pro hac &c.

The Form of a Fine levied by Tenants for Life of their Terms. *Sur Concessit.*

Midd. ss. **P**recipe A. B. & C. ux' eius qđ iuste &c. teneant D. C. Conventionem &c. de uno mesuagio centum acr terre sexagint acr pꝛati octogint acr pasture centum acr bolci centum & vigint acr sampnorum & buere & communia pasture p omnibus averiis cum pertin in F. Et nisi &c.

Et est concordia talis scilicet qđ pꝛeꝝ A. & C. concessit pꝛat D. pꝛeꝝ Tenementa & communū pasture cum pertin ac totum & quicquid iidem A. & C. in pꝛeꝝ tenementis

communiam pasturam cum pertinentiâ ad terminum vite ipsorum A. & C. & eorum alterius diutius vivere habent Et illi eide D. in eadem Curia reddiderunt habendum & tenendum eidem D. tota vita ipsorum A. & C. & eorum alterius diutius vivere Et predicti A. & C. warrant prefatum D. predicta tenementa & communiam pasturam cum pertinentiâ sicut predictum est contra predictos A. & C. tota vita ipsorum A. & C. & eorum alterius diutius vivere Et per hac &c.

Fine of a Mannor in Possession and other Lands in Reversion.

Et est Concordia talis scilicet quod predictus A. recognovit (&c.) esse Ius ipsius J. de quibus idem J. habet predictum Manerium cum pertinentiâ duo messuagia cum pertinentiâ in S. parcel tenementorum predictus de dono predicti W. & illi remisit (&c.) Et concessit per se & heredes suos quod duo messuagia cum pertinentiâ in R. predictus resisteret tenementum predictum que A. B. vis tenet ad terminum vite sue de hereditate &c. post decessum ipsius A. B. integre remanent prefatum J. R. & heredes suis tenendum simul cum predicto manerio & tenementum parcel que ei per finem iustum remanent de capitalibus dominis &c. Et predicti W. B. & heredes sui warrant prefatum J. & heredes suis maneria & tenementa cum pertinentiâ sicut dictum est contra omnes homines imppetuum Et per hac &c.

From a Baron (and his Lady) to a Duke, of a Mannor, Tenements, Rent, Common of Pasture, Free Warren, View of Frank Pledge, Fishing and an Advowson, with Warranty against the Heirs of the Baron.

Ebor' ff. **P**receptum L. F. Militi Domino F.
Baroni de C. infra Regnum
Scotie & A. uxori ejus qd iuste &c. teneant
G. Duci de A. conventionem &c. de maner-
io de S. super D. cum pertiū Ac de tri-
ginta & septem Mesuagiis tribus tottis tri-
bus molendinis aquaticis triginta & sex
gardinis triginta & quinq pomariis sexcen-
tis & quinq acris terre trescentis & octo-
ginta acris prati mille trescentis & octo
acris pasture centum acris bolci decem so-
lidat reddit Communia pasture libera wa-
renna & vis Franc Pleg cum pertiū in S.
super D. C. & C. Acetiam de libera Pisca-
ria in aqua de D. Recnon de Advocatione
Ecclesie de S. sup D. Et nisi &c.

Et est Concordia talis scilicet quod p̄
L. & A. recogn̄ predicti Manerium Tene-
menta reddit Communiam Pasture Ma-
rennam Vis Franc Pleg & Piscariam cum
pertiū ac Advocationem predictam esse Jus
ipsius Ducis Ut illi que idem Dux habet
de dono p̄dictorum L. & A. Et illi remis-
serunt & quiete clamaverunt de se & heredi-
bus suis predicto Duci & heredibus suis im-
perpetuum Et p̄erea iidem L. & A. con-
cesserunt

cesserunt p se & heredibus ipsius T. quod ipsi war p̄dicto Duci & heredibus suis p̄dicta Manerium Tenementa reddiit Communitiam pasture Marennam Vis Franc Pleg & Piscariam cum pertiā ac Advocatibonem p̄dictam contra p̄dictos T. & A. & heredes ipsius T. imperpetuum Et p̄ hac &c.

Capit & cognit &c.

Of a Moiety of two Messuages, a Dove-house, two Gardens, two Orchards, and of divers quantities of Land, Meadow, Pasture, Wood, Furze and Heath, and of the Moiety of a Moiety of a Mannor.

Leic' ff. **P**recipe Thome Willon qđ iuste &c. teneat Christophero Park Armigero & Thome Stamp Convencionem &c. de medietate duorum Mesuagiorum unus Columbar' duorum Gardinorum duorum Pomariorum viginti acrarum terre centum & viginti acrarum prati quadringentarum acrarum pasture quindecim acrarum bosci & sexaginta acrarum Jampnorum & hzuere cū pertiū in Keythorpe Tugby alias Tokeby & Goadby Ac de medietate medietatis Panerri de Keythorpe cum p̄tiū Et nisi &c.

Et est Concordia talis sciit qđ p̄dict Thomas Willon recogni p̄ medietates cum p̄tiū esse Jus ipsius Christoferi ut ille que iidem Christoferus & Thomas Stamp habet
de

de dono p̄dicti Thome Wilson Et illi remis-
sit & quiete clamabit de se & heredibus suis
p̄dictis Christofero & Thome & heredibus ip-
sius C. imperpetuum Et p̄terea idem Tho-
mas Wilson concessit p̄ se & heredibus suis
q̄d ipsi war' p̄dictis Christofero & Thome
Stamp & heredibus ipsius Christoferi p̄-
dictas medietates cum pertind' contra p̄dict
Thomam Wilson & heredes suos imperpe-
tuum Et p̄ hac &c.

Capit & cognit' vicesimo die Fe-
buar' Anno Regni Dñi Caroli
secundi nunc Regis Anglie &c.
tertiodecimo coram me

Orl. Bridgman.

Of a Messuage in *London* from two (viz. a
Man and his Wife) to one with Warranty
against the Heirs of the Husband, and against
the Heirs of his Father and Grandfather, and
against all other claiming by him, his Father
and Grandfather, or any of them.

London ff. **P**recipe J. R. Militi & Baronet
& S. uxori ejus q̄d iuste &c. tes-
neant C. D. Conventionem &c. de uno Mes-
suagio cum pertind' in Parochia sancti Be-
nedicti alias sancti Benetti Gracechurch Et
nisi &c.

Et est Concordia talis scilicet q̄d p̄s J. & S.
recogn' p̄s Messuag' ad p̄tind' esse Aus ipsius C.
ut illi q̄d ipse C. habet de dono p̄dictor' J &
S.

S. Et illud remiserunt & quiete clamaverunt de se & heredibus suis p̄dicto C. & heredibus suis imppetuum Et p̄erea iidem J. & S. concesserunt p̄ se & heredibus ipsius J. q̄ ipsi war p̄dict C. & heredibus suis p̄dictum Meluagium cum p̄m̄ contra p̄dictos J. & S. & heredes ipsius J. ac contra heredes J. R. Militis & Baronet patris p̄dicti J. & J. R. Armigeri avi p̄dicti J. defunctorum ac contra omnes alios clamantes per p̄dictos J. J. & J. aut eorum aliquem imppetuum Et p̄ hac &c.

Capit & cognit ut supra.

Of certain Meluages and fresh Marsh; A Rectory, and all manner of Tythes, Oblations, Obventions, Portions and Emoluments thereunto belonging. And of the Advowson of a Vicaridge.

Lincoln' ff. **P**recipe C. W. Armigero quod iuste &c. teneat T. W. generoso Conventionem &c. de octo Meluagiis & mille ducentis acris Warilci Frilci cum p̄m̄ in Mainflæt sancte Marie Ac de Rectoria de Mainflæt sancte Marie cum p̄m̄ Person omnibus & omnimodis Decimis Oblationibus Obventionibus Portionibus & Emolumentis quibuscunq; p̄venien crescen seu renovan de & in Mainflæt S̄c̄e Marie & Rectorie de Mainflæt S̄c̄e Marie p̄spectan sive p̄tinen Acetiam de Advocatione Ecclesie de Mainflæt S̄c̄e Marie. Et nisi &c.

Et est Concordia talis scilicet quod predictus C. recognovit predicta Tenementa Rectoriā Decimas Oblationes Obventiones Portiones & Emolumenta cum pertinentiā ac Advocatōnem predictam esse ius ipsius T. ut illi que idem T. habet de dono predicti C. Et illi remittit & quiete clamabit de se & heredibus suis predicto T. & heredibus suis imperpetuum Et preterea idem C. concessit pro se & heredibus suis quod ipsi war predicto T. & heredibus suis predicta Tenementa Rectoriā Decimas Oblationes Obventiones Portiones & Emolumenta cum pertinentiā ac Advocatōnem predictam contra predicti C. & heredes suos imperpetuum Et p hac &c.

Capit & cognit ut supra.

Of a Mesuage, 2 Gardens, an Orchard, certain Land, Meadow, Pasture and Wood. The first Vesture of 31 Acres of Meadow, and Common of Pasture for 16 Cattle and 700 Sheep.

Wilts' ff. **P**recipe W. B. generoso & R. parochi estis quod fuisse &c. teneant J. B. Generoso Conventiōem &c. de uno Mesuagio duobus Gardinis uno Pomario trescentis & octoginta Acris Terre triginta & sex Acris Prati trescentis & triginta Acris Pasture viginti & duabus Acr Bosci Primi Vestura triginta & annis Acr Prati & Communia Pasture p sexdecim Abris & septingentis Ovibus cum pnt in Watton & Westbury Et nisi &c. Et

Et est Concordia talis scilicet quod predicti W. & R. recognoverunt predicta Tenementa Messuram & Communiam Pasture cum pertinentiis esse suis ipsius J. ut illi que idem J. habet de dono predictorum W. & R. Et illi remiserunt & quiete clamaverunt de se & heredibus ipsius W. predicto J. & heredibus suis imperpetuum Et preterea iidem W. & R. concesserunt per se & heredibus ipsius W. quod ipsi W. predicto J. & heredibus suis predicta Tenementa Messuram & Communiam Pasture cum pertinentiis contra predictos W. & R. & heredes ipsius W. imppetuum Et per hac &c.

Capitulum & cognitum &c. ut supra.

From two Cognizors to one Cognizee, of certain Tenements and Common of Pasture for Cattle *sans* number, with Warranty against the first Cognizor and his Heirs, and against the Heirs of his Father, Grandfather, Great Uncle and Great Grandfather, and against all others claiming by them or any of them.

Ebor. ff. **P**recipe J. R. Baroni & S. uxori eius quod iuste &c. teneant J. A. Militi & Baroni Conventionem &c. de quinque Mesuagiis quinque Gardinis centum Acres Terre decem Acres Prati triginta Acres Pasture & Communia Pasture per omnimodis Averias cum pertinentiis in Bentley Arkley Stockbridge & Parr Et nisi &c.

Et est Concordia talis scilicet quod predicti J. R. & S. recognovissent predicta Tenementa & Communiam Pasturam cum pertinentiis esse Jus ipsius J. L. ut illud que idem J. habet de dono predicti J. R. & S. Et illi remiserunt & quiete clamaverunt de se & heredibus ipsius J. R. predicti J. L. & heredibus suis imppetuum Et preterea idem J. R. & S. concesserunt pro se & heredibus ipsius J. R. quod ipsi iurarent predicti J. L. & heredibus suis predicta Tenementa & Communiam Pasturam cum pertinentiis contra predictum J. R. & S. & heredibus ipsius J. R. Ac contra heredes J. R. Militis & Baronem defuncti patris predicti J. Ac contra heredem J. R. Armigeri defuncti Abbat predicti J. Ac contra heredem G. R. Genitoris proavunculi predicti J. Ac contra heredem R. R. defuncti proavi predicti J. Ac contra omnes alios clamantes pro predicti J. R. J. R. J. R. & G. R. aut eorum aliquem imppetuum Et per hac &c.

Capitulum & cognitum &c. ut supra.

From four Cognizors to one Cognizee of divers Mannors, the Scites of two dissolved Monasteries, of divers Mesuages, Cottages, Tofts, a Wind-mill for Grain, certain Gardens, Orchards, Land, Meadow, Pasture, Wood, Furze and Heath, Marsh, Common of Pasture for all manner of Cattle, free-Fishing, Courts Leet, Courts Baron, and View of Frank-Pledge.

Lincoln. ff. **P**recipe J. Domino W. de P. W. B. Armigero & J. uxori eius & C. W. quod iuste &c. tenent C. T. Conventionem &c. de Paneriis de W. & S. T. B. & H.

H. alias &c. cum p̄m̄ Ac de scitubus nup
 Monasterior de Hardney & Topholme cum
 p̄m̄ Pecnon de septuagint & tribus Melu-
 agiis octoginta & quatuor Coragiis quinde-
 cim Tofis uno Molendino ventricico septu-
 aginta & tribus Gardinis septuaginta & tri-
 bus Pomariis duabus mille & crescentis A-
 cris Terre quingentis Acris Brati mille &
 crescentis Acris Pasture centum & nonaginta
 Acr Bosci mille & quingentis Acr Famp-
 nozum & Bruere septingentis & quinquaginta
 Acris Marisci Communia Pasture p om-
 nimodis Averiis libera Piscaria in Aqua de
 Witham Cur Let Cur Baron & Vis Franc Pleg
 cum p̄m̄ in B. P. B. P. L.
 & M. Et nisi &c.

Et est Concordia talis scilicet qd̄ p̄dict F.
 W. & F. & C. recogn̄ p̄dict Maneria Scit
 Tenementa Communiam Pasture Piscaria
 Cur Let Cur Baron & Vis Franc Pleg
 cum p̄m̄ esse Jus ipsius C. ut illi que idem
 C. habet de dono p̄dictorum F. W. & F. &
 C. Et illi remiserunt & quiete clamaverunt
 de se & heredibus suis p̄dict C. & heredibus
 suis imp̄petuum Et p̄terea idem F. con-
 cessit pro se & heredibus suis qd̄ ipsi war
 p̄dicto C. & heredibus suis p̄dicta Maneria
 Scit Tenementa Communiam Pastur Pis-
 cariam Cur Let Cur Baron & Vis Franc
 Pleg cum p̄m̄ contra p̄dictum F. & here-
 des suos imp̄petuum Et ulterius iidem
 W. & F. concesserunt pro se & heredibus ip-
 sius F. qd̄ ipsi war p̄dicto C. & heredibus
 suis

luis p̄dicta Paneria Scit Tenementa Com-
muniam Pasture Piscariam Cur Let Cur
Baron & Vis Franc Pleq̄ cum p̄tin con-
tra p̄dict M. & F. & heredes ipsius F. im-
petuum Et etiam eadem C. concessit pro
se & heredibus suis qđ ipsi Mar p̄dict C. &
heredibus suis p̄dict Paneria Scit Tene-
menta Communiam Pastur Piscariam Cur
Let Cur Baron & Vis Franc Pleq̄ cum
p̄tin contra p̄dictam C. & heredes suos im-
petuum Et p̄ hac &c.

Capit & cognit &c. uti supra.

Of divers Mannors, Mesuages, Cottages, Gar-
dens, Orchards, Land, Meadow, Pasture,
Wood, Furze and Heath: As also of a Cha-
pel, and the Advowson of two Churches.

Essex' ff. **P**reſcipe C. H. Militi qđ iuste &c.
ten J. M. Gen Con &c. de Pa-
neris de H. M. alias C. G. F. R. alias &c.
& M. alias S. cum p̄tin Ac de viginti &
nobem Mesuagiis tresdecim Cotagiis tri-
ginta & sex Gardinis trigint & sex Pomariis
mille quingentis & quinquagint Acris Ter-
centum triginta & quinq Acris Prati mille
Acris Pasture trescentis Acris Jampnoz &
Bzuere cum p̄tin in Hemstead alias Hem-
sted Sampfozd magna Sampfozd parva
Wymbish Stæple Bumpsted alias Stæple
Bumpsted Bumpsted St. Hellens Finchings-
feild Radwinter Ashton Barklowe & Ste-
nington Necnon de Capella de Hamsted cum
p̄tin

pertin' Acetiam de Advocationibus Ecclesi-
arum de Sampford magna & Hempsted Et
nisi &c.

Et est Concordia talis scilicet quod predictus C. re-
cognovit predictam Maneriam Tenementum & Capellam
cum pertinentiis ac Advocationes predictas esse suas ip-
sius J. ut illas que idem J. habet de dono pre-
dicti C. Et illi remisit & quiete clamabit de se &
heredibus suis predictus J. & heredibus suis im-
perpetuum Et preterea idem C. concessit pro
se & heredibus suis quod ipsi war' predictus J. &
heredibus suis predictam Maneriam Tenemen-
ta & Capellam cum pertinentiis contra predictum
C. & heredes suos imperpetuum Et pro
hac &c.

Capit' & cognovit &c. ut supra.

From three Cognizors (whereof the two first
are Earls) to one Cognizee with Warranty
by the first Cognizor against him and his
Heirs, and against the Heirs of his Father,
Mother and Grandmother, and of another
person, deceased; and against the two other
Cognizors and their Heirs, and against all
others claiming by them or any of them.

Wiltes' ff. **P**recipe M. Comiti W. J. Comi-
ti C. & D. T. Armigero quod
iuste &c. tenet J. S. Generoso Conventionem
&c. de uno Mesuagio uno Cotagio duobus
Gardinis duobus Pomariis triginta & no-
vem Acris Terre tresdecim Acris Prati de-
cem

cem & septem Acris Pasture & Communia
Pasture pro omnibus Avertis cum pertinentiis in
S. alias &c. Et nisi &c.

Et est Concordia talis scilicet quod predicti
Comes Comes & W. recognovimus predicta Te-
nimenta & Communiam Pasture cum perti-
nentis esse Jussus ipsius J. S. ut illi que e-
dem J. habet de dono predictorum Co-
mitis Comitum & W. Et illi remiserunt &
quiete clamaverunt de se & heredibus suis
predicto J. S. & heredibus suis imperpe-
tuum Et preterea idem Comes W. con-
cessit pro se & heredibus suis quod ipsi war-
predicto J. S. & heredibus suis predicta Te-
nimenta & Communiam Pasture cum per-
tinentiis contra predictum Comitem & heredes
suos Ac contra heredes J. Comitum W.
& M. uxoris eius Patris & Matris predicti
Comitis G. M. Avis predicti Comitum & H.
S. Milicis defunctorum ac contra predictum
Comitem C. & T. & heredes suos ac contra
omnes alios clamantes per predictos Co-
mitem Comitem & M. G. H. Comitem
& T. aut eorum aliquem imperpetuum Et
ulterius idem Comes concessit pro se & he-
redibus suis quod ipsi war- predicto J. S. &
heredibus suis predicta Tenimenta & Com-
munitiam Pasture cum pertinentiis contra
predictum Comitem & heredes suos im-
perpetuum Et etiam idem W. concessit pro
se & heredibus suis quod ipsi war- pre-
dicto J. S. & heredibus suis predicta Te-
nimenta & Communiam Pasture cum perti-
nentis contra

contra predictum T. & heredes suos imperpetuum Et pro hac &c.

Capt & cognit p p̄dictos Comitem W. & Comitem C. 28 die Junii Anno Regni Regis Caroli secundi 13 coram nobis

H. A.

G. T.

Per Nos Potestatem
Teste 27 die Junii Anno 13 supra dicto.

Capt & cognit p p̄dictum T. primo die Julii Anno Regni Regis Caroli secundi 13 coram

J. S.

J. D.

From Husband and Wife Cognizors to one Cognizee of the yearly Rent of six Pounds and a Mark, issuing out of several Messuages in London; being a Fine *sur concessit* for ninety nine years (if the Wife shall so long live.)

London. ff. **P**recipe Willo Pierson & Elizabeth uxori ejus quod iuste &c. ten Roberto Smith Armigero Conventiorem &c. de Annuali Reditu sex Librarum tresdecim Solidorum & quatuor Denariorum ex eund de quatuor Messuagiis cum pertinentiis in Parochia Sancti Johannis Evangeliste Et nisi &c.

Et est Concordia talis scilicet quod predicti Willes & Elizabetha concesserunt predicto Roberto

Robto p̄dict Redditum habens & p̄cipiend
p̄dict Redditum eidem Robto a Festo S̄cī
Michaelis Archangeli ult̄ p̄f̄it usq; finem
termini nonaginti & novem annorum extunc
p̄or' sequen' & plenarie complend (si p̄dict
Elizabetha tamdiu vixerit) Et p̄dict Wil-
lielmus & Elizabetha war p̄dict Robto p̄dict
Redditum sicut p̄dict est contra p̄dict Wil-
lielmum & Elizabetham toto termino p̄dict
(si p̄dicta Elizabetha tamdiu vixerit) Et pro
hac &c.

Capit & cognit, ut supra.

*A Fine levied upon three Writs of Cove-
nant, viz.*

1. Of divers Honors, Castles, Mannors, Parks,
several Messuages, Cottages, Mills, Dove-
houses, certain Land, Meadow, Pasture,
Wood, Furze and Heath, Marish Ground,
of Rent, of Common of Pasture, View of
Frank-Pledge, and whatsoever belongs there-
to, Knights Fees, Wards, Marriages, Escheats,
Waifs, Estrays, Goods and Chattels of Fe-
lons, Fugitives and Out-laws, Persons at-
tainted, Felons de se, Deodands, Treasure-
trove, Fairs, Markets, Wrecks of the Sea,
Free Warren, Free Fishing in the Waters of
D. H. and T. of the Advowson of the Church
of B. P. as also of the Moiety of the Man-
nor of H. and of the Knights Fees, Wards,
Marriages, Escheats, Waifs, Estrays, Goods
and Chattels of Felons, Fugitives and Out-

laws, and Persons attainted, Fairs, Markets, Wrecks of the Sea, and Free Warren in *H.* and of the fourth part of the Hundred of *H.* as also of the eighth part of a Barn in *D.* in the County of *Devon.*

2. Of a Mannor, several Messuages, Cottages, Corn Mills, a Dove-House, several Gardens, Orchards, great quantities of Land, Meadow, Pasture, Wood, Furze and Heath, and 60 s. Rent in *M.* &c. in the County of *Wilt.* &c.

3. Of Land, Meadow, Pasture, Furze and Heath in *M.* &c. in the County of *Somer-*
set.

Devon ff. **P**recipe *C. S.* Baronetto & *A.*
uxori ejus *C. S.* Armigero fi-
lio & heredi apparenti *P*roci *C. & M.* uxori
ejus & *C. S.* qd fuisse &c. teneant *R. C.* Ce-
nerolo & *C. L.* Censolo Conventionem et
de Honoribus de *T. & B. P.* cum p^{ri}mo Ac
de Castris de *T. & B. P.* cum p^{ri}mo Ac de
Maniis de *T. & B. P.* cum p^{ri}mo Pechon
de Parcibus de *T. & B. P.* cum p^{ri}mo Aceria
de nonaginta Mesuagiis quadraginta Cora-
gliis quinq; Molendinis duobus Columbar
mille & ducentis Acris Terre quingentis
Acris Prati octingentis Acris Pasture du-
centis Acris Bosci quadringentis Acris Lam-
pnozorum & Buere centum Acris Parisci vi-
ginti Libras Reddit Communia Pasture
M^{is} Franc pleg & quicquid ad M^{is} Franc
pleg p^{ri}net Feod Milie Wardis Paritagis
Elchaeris bonis & catallis M^{is} Libras extrahub
bonis

bonis & catallis Felonum Fugitivorum Utlagatorum Attinctorum Felonum de se Deodand Thelaur invent Ferialis Mercatis Wrecco Paris & libera Warrenna cum pñd in Totnes Bury Pomeroy Bridge Town Pomeroy Petherton Longetombe parba Hempston Iplepen Aston alias Affeton Lodestwell Huish & Denbury Ac de libera Piscaria in Aquis de Warte Husburne & Totnes Pecnon de Advocatione Ecclesie de Bury Pomeroy Acetiam de medietate Pannii de Hurberton alias Harberton cum pertinentiis & feod Militum Wardorum Paritagiond Elcaet bonorum & catallozum wabiāt extrahur bonorum & catallozum Felonum Fugitivorum Utlagatorum Attinctorum Ferialium Mercatorum Wrecc Paris & libere Warrenne cum pñd in Hurberton alias Harberton Ac de quarta pte Hundredi de Heytor cum pñd Pecnon de octava pte unius Horrei cum pñd in Denburie Et nisi &c.

Wiltes' ff. **P**recipe eisdem quod iuste &c. teneant eisdem Conventionem &c. Panno de Hayden Bradley cum pñd Ac de quinquaginta & quinq Meluagiis decem & octo Cotagiis duobus Molendinis Granaticis uno Columbar septuaginta Pomariis quadringentis Acris Terre centum Acris Prati tercentis Acris Pasture quadringentis Acris Bosci quingentis Acris Tarnporum & Bruere & sexaginta solidat Reddit cum pñd in Hayden Bradley Horningesham & Waycliffe Et nisi &c.

Somerl. ff. **P**recipe eisdem quod iuste &c. te-
neant eisdem Conventionem &c.
de octoginta Acris Terre viginti Acris Pa-
sture & viginti Acris Camporum & Buere
cuius p[ar]tis in Payden Bradley Horningesham
Waycliff & Parnefeild Et nisi &c.

Et est Concordia talis scilicet quod p[re]dictus
Edwardus & Anna Edwardus & Margareta
& Elizabetha recognoverunt p[re]dicta Honores
Castra Mania Parcos Tenementa Reddit
Communiam Pasture Vis Franc pleg Feod
Milit Ward Maritag Elcaet bona & catalla
wabiak extrahur bona & catalla Felonum
Fugitivorum Ulagatorum Agintorum Fe-
lonum de se Deodand Thesaur invent Fe-
rias Mercat Treccum Paris Marcennam
Piscariam Medietatem & Partes cum p[ar]tis
Ac Advocationem p[re]dictam esse suis ipsius Ro-
berti ut illi que iidem Robertus & Georgius ha-
bent de dono p[re]dictorum Edwardi & Anne Ed-
wardi & Margarete & Elizabetha Et illi re-
miserunt & quiete clamaverunt de ipsis Ed-
wardo & Anna Edwardo & Margareta & Eli-
zabetha & heredibus suis p[re]dictis Roberto &
Georgio & heredibus ipsius Roberti imppetu-
um Et p[re]terea iidem Edwardus Seymour
Baronettus & Anna concesserunt pro se & he-
redibus ipsius Roberti quod ipsi war p[re]dictis
Roberti & Georgio & heredibus ipsius Roberti
p[re]dicta Honores Castra Mania Parcos Te-
nementa Reddit Communiam Pasture Vis
Franc pleg Feod Milit Ward Maritag
Elcaet

Escaet bona & catalla waviaf extrahur bona
 & catalla Felonum Fugitivorum Atlagato-
 rum Attinctorum Felonum de se Deodand
 Thelaur invent Ferias Mercata Wreccum
 Paris Warennam Piscariam Medietatem &
 Partes cum pñd. Ac Advocationem predicta
 contra pñctos Edwardum & Anna & heredes
 ipsius E. imppetuum Et ultius idem Ed-
 wardus Seymor Armig & Margareta concel-
 serunt p se & heredibus ipsius Edwardi quod
 ipsi war pñctis Robto & Georgio & heredi-
 bus ipsius Robti pñcta Honores Castra Pa-
 nia Parcos Tenementa Reddit Communia
 Pasture Wñ Franc pleg Feod Milite Ward
 Parita Escaet bona & catalla waviaf ex-
 trahur bona & catalla Felonum Fugitivorum
 Atlagatorum Attinctorum Felonum de se
 Deodand Thelaur invent Ferias Mercat
 Wreccum Paris Warennam Piscariam Me-
 dietatem & Partes cum pñd ac Advocatio-
 nem predictam contra predictos Edwardum &
 Margaretam & heredes ipsius Edwardi imp-
 petuum. Et insup eadem Elizabetha con-
 cessit pro se & heredibus suis quod ipsi war
 pñctis Robto & Georgio & heredibus ipsius
 Robti pñcta Honores Castra Pania Parcos
 Tenementa Reddit Communiam Pasture
 Wñ Franc pleg Feod Milite Ward Pari-
 ta Escaet bona & catalla waviaf extrahur
 bona & catalla Felonum Fugitivorum At-
 lagatorum Attinctorum Felonum de se Deo-
 dand Thelaur invent Ferias Mercat Wrec-
 cum Paris Warennam Piscariam Medie-
 tatem & Partes cum pñd ac Advocatione p-
 dictam

dictam contra ipsam Elizabetham & heredes suos imppetuum Et p hac &c.

Capit & cognit &c. ut supra.

An Affidavit (taken by any of the Justices of the Common Pleas) upon the due Execution of a *Dedimus Potestatem* by Commissioners in the Country.

Arthur Bond Gent. (one of the Commissioners in the Writ of *Dedimus* named) maketh Oath, That this Fine was duly executed, the Cognizees of full Age, and the Feme Covert being secretly and apart examined, willingly consented,

Arthur Bond.

Of a Mannor, Grange, divers Messuages, Cottages, several quantities of Land, Meadow, Pasture, Furze and Heath, from five Cognizors (the four last being two Husbands and their Wives) with Warranty by the first Cognizor against him and his Heirs, and against the other four Cognizors and their Heirs, and against the Heirs of the Father of the two first Cognizors, and against all Persons claiming by them, or any of them. 2. Warranty against the second and third Cognizors and the Heirs of the Husband, and all the other Persons named in the first Warranty. 3. Warranty against the two last Cognizors, and the Heirs of the Husband only.

Nott

Nott' ff. **P**recipe Gervasio Cresley Generoso
 Johi Cresley Generoso & Marie
 urozi ejus & Robto Bingham Generoso &
 Elizabethe urozi ejus quod iuste &c. teneant
 Robto Clifton Armigero Conventionem &c.
 de Manio de D. alias &c. cum pñd Ac de
 Grangia de D. alias &c. cum pñd Recnon
 de septem Mesuagiis quatuor Cotagiis du-
 centis Acris Terre viginti Acris Prati vi-
 ginti Acris Pasture & centum Acris Tarnpo-
 rum & Bruere in D. alias D. C. alias D. S.
 H. P. & B. Et nisi &c.

Et est Concordia talis scilicet quod pñdici
 Gervasius Johes & Maria & Robtus Bing-
 ham & Elizabethe recognoverunt pñdita Ma-
 nerium Grangiam & Tenementa cum pñd
 esse jus Robti Clifton ut illa que idem Ro-
 btus habet de dono pñdorum Gervasii Jo-
 hannis & Marie & Robti Bingham & Eliza-
 bethe Et illa remiserunt & quiete clama-
 verunt de se & heredibus suis pñdico Robto
 Clifton & heredibus suis imppetuum Et
 pñdica idem Gervasius concessit p se & here-
 dibus suis qđ ipsi war pñdico Robto Clifton
 & heredibus suis pñdita Manium Grangiam
 & Tenementa cum pñd contra pñdicum Ger-
 vadium & heredes suos ac contra pñdicos Jo-
 hannem & Mariam & Robtum Bingham &
 Elizabetham & heredes suos Ac contra he-
 redes Parke Cresley Generosi defuncti Pa-
 tris ipsorum Gervasii & Johannis Ac contra
 omnes alios clamantes p pñdicos Gervadium
 Johannem

Johannem & Mariam Robtū Bingham & Elizabetham & Parke aut eorum aliquem imppetum Et ultius iidem Jo & Maria concesserunt p se & heredibus ipsius Jo quod ipsi war pdicto Robto Clifton & heredibus suis pdicta Manium Gzangiam & Tenementa cum ptin contra pdictos Johannem & Mariā & heredes ipsius Johannis Ac contra pdictos Gervasium & Robtū Bingham & Elizabetham & heredes suos Ac contra heredes pdicti Parke ac contra omnes alios clamantes p pdictos Johannem & Mariam Gervasium Robtū Bingham & Elizabetham & Parke aut eorum aliquem imppetum Et etiam iidem Robtus Bingham & Elizabetha concesserunt p se & heredibus ipsius Robti quod ipsi war pdicto Robto Clifton & heredibus suis pdicta Manium Gzangiam & Tenementa cum ptin contra pdict Robtū Bingham & Elizabetham & heredes ipsius Robti imppetum Et pro hac &c.

Capit & cognit p supra nominatum Johannem Cresley vicesimo tertio die Augusti Anno Regni Regis Car seci quartodecimo coram nobis

R. Edge.
T. Toplage.

Capit

Capit & cognit p supranomi-
natos Gerbasium Cressley
Robertum Bingham & Eliza-
berham uxore ejus vicesimo
quinto die Augusti Anno
quartodecimo supradicto coram
nobis

R. Edge.

J. Toplage.

Capit & cognit p supranomi-
natam Mariam Cressley uxo-
rem p'dicti Johannis Cressley
vicesimo sc'do die Novemb'ris
Anno quartodecimo supra-
dicto coram nobis

G. Holland.

R. Edge.

A Fine with seven Warranties.

North' ff. **P**recepto Rogero H. Armigero
Agneti H. vidue Johanni H.
Genoso Katherine H. Josepho H. & Anne
uxori ejus Roberto H. Genoso & Elizabeth
uxori ejus & Francisce H. quod iuste &c. te-
neant Johanni C. Militi & Barronetto Con-
ventionem &c. de Man'is de S. alias &c. &
III. cum p'ciis Ac de decem Meluagiis duo-
bus Cotagiis duodecim Gardinis duodecim
Pomariis sexcentis & quinquaginta Acris
Terre sexaginta Acris Pasture triginta Acris
Volci centum Acris Tarnporum & Bruere &
Communia

Communia Pasture p omnimodis agiis cum
ptin in S. & W. Et nisi &c.

Et est Concordia talis scilicet quod pdicti
Rogerus Agnes Johannes H. Katherine Jo-
sephus & Anna Robtus & Elizabetha & Fran-
cisca recogit pdicta Mania Tenementa &
Communiam Pasture cum ptin esse sus ip-
sius Johannis L. ut illi que idem Johannes
habet de dono pdicti Rogeri. Agnetis Johan-
nis H. Katherine Josephi & Anne Robti &
Elizabethhe & Francisce Et illi remiserunt
& quiete clamaverunt de ipsis Rogero Ag-
nete Johanne Katherine Josepho & Anna Ro-
bto & Elizabetha & Francisca & heredibus suis
pdicto Johanni L. & heredibus suis impe-
tuum Et pretea idem Rogerus concessit p
se & heredibus suis quod ipsi war pdicto Jo-
hanni L. & heredibus suis pdicta Manium
Tenementa & Communiam pasture cum p-
tin contra pdicti Rogeri Agnetem Johannem
H. Katherine Josephum & Annam Robti
& Elizabetham & Franciscam & heredes suos
Ac contra heredes Rogeri H. Armig defuncti
patris pdicti Rogeri Willielmi H. Armig
defuncti Abi pdicti Rogeri Ac contra omnes
alios clamantes p pdictos Rogeri Agnetem
Johannem H. Katherine Josephum & An-
nam R. & Elizabetham Franciscam Rogeri
& Willielmum aut eorum aliquem impe-
tuum Et ultius eadem Agnes concessit pro
se & heredibus suis quod ipsi war pdicto Jo-
hanni L. & heredibus suis pdicta Manium
Tenementa & Communiam pasture cum p-
tin

etiam contra predictam Agnetem & heredes suos
 imppetuum Et insup idem Johannes H.
 concessit p se & heredibus suis quod ipsi war
 predicto Johanni L. & heredibus suis predicta
 Manium Tenementa & Communiam pasture
 cum pñd contra predict H. & heredes suos im-
 ppetuum Et etiam eadem Katherina con-
 cessit pro se & heredibus suis quod ipsi war
 predict Johanni L. & heredibus suis predict Manium
 Tenementa & Communiam pasture
 cum pñd contra predict Katherinam & he-
 redes suos imppetuum Et etiam iidem Jo-
 sephus & Anna concesserunt p se & heredibus
 ipsius Anne quod ipsi war predict Johanni L.
 & heredibus suis predict Manium Tenementa
 & Communiam pasture cum pñd contra pre-
 dictos Iosephum & Annam & heredes ipsius
 Anne imppetuum Et etiam iidem Robtus
 & Elizabetha concesserunt pro se & heredibus
 ipsius Elizabethhe quod ipsi war predict Johi
 L. & heredibus suis predict Manium Tene-
 menta & Communiam pasture cum pñd con-
 tra predict Robtum & Elizabetham & heredes
 ipsius Elizabethhe imppetuum Et etiam
 eadem Francisca concessit p se & heredibus
 suis quod ipsi war predicto Johanni L. & here-
 dibus suis predicta Manium Tenementa & Com-
 munitiam pasture cum pñd contra predictam
 Franciscam & heredes suos imppetuum Et
 p hac &c.

Capit & cognit (ut supra.)

A Precipe of several Rents.

Somerf. ff. **P**recipe **T. B.** Genoso qđ iuste
 et teneat **W. B.** Genoso Con-
 ventionem et. de Manio de **R. S.** cum pñd
 ac de quatuor Mesuagis quatuor Toftis qua-
 tuor Molendinis septem Columbar' viginti
 Gardinis centum Acris Terre ducentis Acris
 Pratis trescentis Acris Pasture trescentis
 Acris Bosci decem solidat reddit' & reddit'
 duar' librat Piperis & duar' librat Cumini
 cum pñd in **R. S. T. S. P. & C.** Rec-
 non Advocationem Ecclesie de **R. S.** Et
 nisi et.

Et est Concordia talis scit quod pñd **T.**
 recogn' pñda Manium Tenementa & Red-
 dit' cum pñd ac Advocationem pñdam esse
 sua et.

Of two Acres of Pasture.

Midd' ff. **P**recipe **Robt' R.** Genoso & Anne
 uxori ejus quod iuste et. teneant
Thome W. Militi Conventionem et. de dua-
 bus Acris Pasture cum pñd in Parochia Scti
 Leonardi Shoreditch Et nisi et.

Et est Concordia talis scit quod pñd **Ro-
 btus & Anna** recogn' pñd pasturam cum p-
 tñd esse sua et.

A Fine upon two Writs of Covenant from a Duke and his Lady, and another Person, to a Marquess of Castles, Parks and Tenements.

N. R. P^recipe G. Duci B. & M. uxori ejus & R. C. Armigero quod iuste &c. teneant M. Marchioni R. C. S. T. Conventionem &c. de Castro de R. cum p^rtid ac de Parco de R. cum p^rtid Pecnon de decem Mesuagiis decem Cotagiis decem Gardinis decem Pomariis centum Acris Terre ducentis Acris Prati trescentis Acris Pasture decem Acris Bosci & viginti Acris Parisci cum p^rtid in R. L. & S. Et nisi &c.

V. N. R. P^recipe eidem quod iuste &c. teneant eidem Conventionem &c. de Castro de R. cum p^rtid ac de Parco de R. cum p^rtid Pecnon de decem Mesuagiis decem Cotagiis uno Columbar centum Acris Terre ducentis Acris Prati trescentis Acris Pasture decem Acris Bosci & viginti Acris Parisci cum p^rtid in M. R. Et nisi &c.

Et est Concordia talis scilicet quod p^rdicti Dux & M. & R. recognoverunt p^rdicta Castra Parks & Tenementa cum p^rtid esse ius ipsius Marchionis ut illi que idem Marchio habet de dono p^rdicti Ducis & M. & R. Et illi remiserunt & quiete clamaverunt de ipsis Duce & M. & R. & heredibus suis p^rdicti Marchioni & heredibus suis imppetuum Et preterea eidem Dux & M. concesserunt p se & heredibus

reditus ipsius Ducis qđ ipsi war pđict Marchioni & heredibus suis pđicta Castra Parcos & Tenementa cum pđict contra pđictos Ducem & M. & heredes ipsius Ducis imppetuū Et ultius idem R. concessit p se & heredibus suis qđ ipsi war pđict Marchioni & heredibus suis pđict Castra Parcos & Tenementa cum pđict contra pđict R. & heredes suos imppetuum Et pro hac &c.

Capit & cognit ut supra.

From the same Cognizors, to other Cognizees of a Mannor, Tenements, Rent, Mines, Courts Leet, View of Frank-Pledge, Estrays, Goods and Chattels of Felons and Fugitives, Felons *de se*, and Outlawed Persons, Deodands, Knights Fees, Wards, Marriages, Reliefs, Escheats, Fines, Amerciaments, Fairs, Markets, Toll, Rights, Jurisdictions, Liberties and Priviledges in eight Towns in the County of D.

D. N. Precipe G. Duci B. & M. uroxi eius & R. G. Armigero qđ iuste &c. teneant H. B. Armigero & W. C. Genoso Conventionem &c. de Manio de H. cum pđict ac de ducentis Meluagiis centum Cotagiis ducentis Gardinis ducentis Pomariis tribus mille Acris Pasture mille Acris Wolci decem mille Acris Lampnozū & Buere duabus mille Acris Moze decem Librat Reddit pđict Cur Let Alii Franc pleg Extrabur Bona & Catalla Felonū & Fugitivorum Felonū de se & in exigend possit Deodand fieri

Feod Milit Ward Maritag Relevis Escach
 Fines Anciamt Runding Mercat Ferias
 Tolnet Jur Jurisdictionibus Libatibus &
 Privilegiis cum ptin in Harrington als Ver-
 ingio Bigginge Heathcote Ladwale Sterne-
 ale Crowdecote Forlowe & Grene Et nisi &c.

Et est Concordia talis scilicet quod predictus Dux
 H. & R. recognovit predictum Manium Tenementa
 redditus Miner Cur Let Willelmus Franc pleg
 Extrahur Bona & Catalla Felonum & Fug-
 itivorum Felonum de se & in erigendo possit
 Deodand Feod Milit Ward Maritag Rele-
 vis Escach Fines Anciamt Runding Mer-
 cat Ferias Tolnet Jur Jurisdictiones Lib-
 at & Privilegiis cum ptin esse suis ipsius H.
 & illa que idem H. & R. habent de dono pre-
 dictorum Ducis & H. & R. Et illi remis-
 erunt de se & heredibus suis predictis H. & R.
 & heredibus ipsius H. imppetuum Et pres-
 entia idem Dux & H. concesserunt pro se & he-
 redibus Ducis quod ipsi war predicti H. & R. &
 heredibus ipsius H. predictum Manium Tene-
 menta redditus Miner Cur Let Willelmus Franc
 pleg Extrahur Bona & Catalla Felonum &
 Fugitivorum Felonum de se & in erigendo
 possit Deodand Feod Milit Ward Maritag
 Relevis Escach Fines Anciamt Runding
 Mercat Ferias Tolnet Jur Jurisdictiones
 Libat & Privilegiis cum ptin contra
 predictum Ducem & H. & heredes ipsius Ducis
 imppetuum Et ultimus idem R. concessit pro
 se & heredibus suis quod ipsi war predicti H. & R.
 & heredibus ipsius H. predictum Manium Tene-
 menta

menta Reddit Pinet Cur Let Alii Franc
pleg Extrahur Bona & Catalla Felonum
Fugitivorum Felonum de se & in exigend
posit Deodand Feod Milit Warb Maritag
Relevia Eleaet Fines Amiciamenta Pun
din Mercat Ferias Tolnet Jur Jurisdic
ones Libertat & Privileg cum pñi contra
dict R. & heredes suos imppetuum Et
hac &c.

Capit & cognit &c.

Of several Mannors, Messuages, Cottages, Dove
houses, Gardens; great quantities of Land,
Meadow, Pasture, Furze and Heath: Of
Rent, Common of Pasture for all manne
of Cattle, Free Fishing, View of Frank
Pledge, and whatsoever belongs thereunto
Mines, Quarries, Knights Fees, Wards, Mar
riages, Reliefs, Herriots, Issues, Fines, Amici
aments and Forfeitures, Goods and Chate
tels of Persons Outlawed, and sued to the
Exigent, Waifs, Estrays, Goods and Chate
tels of Traytors, Felons de se, Fugitives,
Persons condemned, convicted and attainted,
Deodands, Natives, Natives and Villains,
Fairs, Markets, Toll, Stallage, Picage, Pon
tage, Treasure found, and to be found:
And of all Rights, Regalities, Jurisdic
tions, Franchises, Liberties, Profits, Comm
odities, Priviledges and Emoluments whatso
ever, &c.

Hertfl.

Hereff. ff. **P**recepto G. Duci B. & M. uxor
 ejus & R. G. Arm qd iuste &c.
 teneant L. B. Arm & J. P. Gen Conven-
 tionem &c. de manñis de L. alias L. M.
 M. S. St. J. & H. cum pñd Ac de ducen-
 tis Meluagiis quinquaginta Cotagiis quinq
 Columbar ducentis Gardinis quatuor mille
 Acris Terre quatuor mille Acris Prati cri-
 bus mille Acris Pasture mille Acris Jamp-
 nozum & Bivere quinquaginta & tribus li-
 bzat Reddit Communia pasture p omnimo-
 dis Agriis Libera Piscaria Vis Franc pleg
 & quicquid ad Vis Franc pleg ptinet Miner
 Quar Feod Millit Waro Paritag Relevis
 Periot Cris Finibus Anciant & Forisfactur
 Bonis & Catallis Uclagat & in erigend possit
 Uclagat & Extrahit Bonis & Catallis pro-
 ditor Felonum Felonum de se Fugitivorum
 dampnat convict & attinct Deodand Parivis
 Parivis & Ullanis Rundingis Mercatis Fe-
 riis Colnet Stalag Picaq Pontag Thelaur
 iavent & inveniend Ac omnibus Jur Rega-
 litat Jurisdiction Franche Librat Profi-
 cuit Commoditat Privileg & Emolument
 quibuscunq cum pertind in L. alias L. M.
 M. S. St. J. H. S. C. B. H. H. M. B.
 M. F. M. B. M. M. D. B. H. M. R. D.
 C. & A. Et nisi &c.

Et est Concordia talis scilicet qd pñct Dur
 & M. & R. recogn pñct Mania Tenementa
 Reddit Communiam pasture Piscar Vis
 Franc pleg Miner Quar Feod Millit Waro
 Paritag

Maritag Relevia Heriot Crit Fines Amicia-
 menta & Forisfactur Bona & Catalla Utlaga-
 gat & in exigend possit Mabilia Extrahur
 Bona & Catalla Proditorum Felonum Fe-
 lonum de se Fugitivorum dampnat convict
 & attinct Deodand Ratibos Rativas & Will-
 lanos Runding Mercat Férias Tolnet Stalla-
 lag Picaq Pontag Thesaur invent & inven-
 niend Jur Regalitat Jurisdictiones Franch-
 cheſ Libtat Proficua Commoditat Privileg
 & Emolument cum ptin esse jus ipsius L.
 ut ill que iidem L. & J. habent de dono pre-
 dictorum Ducis & M. & R. Et ill remiserm
 & quiet clam de ipsis Duce & M. & R. & he-
 redibus suis pdict L. & J. & heredibus ipsius
 L. imppetuum Et pretea iidem Dux & M.
 concesserunt p se & heredibus ipsius Ducis
 qd ipsi war pdict L. & J. & heredibus ipsius
 L. pdict Mania Lenta Reddit Communia
 pasture Piscar Wis Franc pleg Miner Quar
 Feod Milit Ward Maritag Relevia Heriot
 Crit Fines Amiciamenta Forisfactur Bona
 & Catalla Utlagat & in exigend possit Ma-
 bial Extrahur Bona & Catalla Proditorum
 Felonum Felonum de se Fugitivorum damp-
 nat convict & attinct Deodand Ratibos Ra-
 tivas & Willanos Runding Mercat Férias
 Tolnet Stallag Picaq Pontag Thesaur in-
 vent & inventend Jur Regalitat Jurisdic-
 ones Francheſ Libtat Proficua Commodi-
 tat Privileg & Emolument cum ptin con-
 tra pdictos Ducem & M. & heredes ipsius Du-
 cis imperpetuum Et ultius idem R. con-
 cessit p se & heredibus suis quod ipsi war
 pdict

Edict. L. & H. & heredibus ipsius L. Pdicta
 Mania Tenementa Reddit Communiam pa-
 sture Piscar. Vis Franc. pleg. Piner. Quar.
 Feod. Milit. Ward. Maritag. Relevia. Heriot.
 Crit. Fines. Amiciamenta. Forisfactur. Bona.
 & Catalla. Uclagat. & in erigend. possit. Mabi-
 at. & Extrahur. Bona & Catalla. Proditorum.
 Felonum. Felonum de se. Fugitivorum. damp-
 nat. convict. & attinct. Deodand. Nativos. Na-
 tivas. & Villanos. Runding. Mercat. Ferias.
 Tolnet. Stalla. Pica. Pontag. Thesaur. in-
 vent. & inveniend. Jur. Regalit. Jurisdictiones.
 Franches. Libertat. Proficua. Commoditates.
 Privileg. & Emolument. cum pertind. contra.
 Edictum. R. & heredes suos imppetuum. Et.
 p. hac. &c.

Capit. & cognit. (ut supra.)

Of a Mannor, Messuages, a Cottage, Gardens,
 Orchards, Land, Meadow, Pasture, Pasture
 for twenty Cattle, and Common of Pa-
 sture.

Wilkes' ff. **P** Recipe Abrahamo Chamber-
 lain Genoso & Judithe uxori
 suis qd. iuste &c. teneant Elizabethhe King
 due Conuencionem &c. de manerio de C.
 um ptind. ac de duobus Messuagiis uno Co-
 ragio tribus Gardinis tribus Pomariis du-
 entis & sexaginta Acris Prati quadraginta
 Acris Pasture pastura pro viginti Agilis &
 Communia pastura cum ptind. in Cheriton
 alias Cherton & Cheberel Et nisi &c.

Et est Concordia talis scilicet quod predictus Abrahamus & Iuditha recognoverunt predicta Manerium Tenementa Pasturam & Communiam Pasture cum pertinentiis esse ius ipsius Elizabethæ ut illi que eadem Elizabetha habet de dono predicti Abrahami & Iudithæ Et illi remiserunt & quiete clamaverunt de se & heredibus suis predictæ Elizabethæ & heredibus suis imppetuum Et præterea iidem Abrahamus & Iuditha concesserunt pro se & heredibus ipsius Abrahami quod ipsi war' predictæ Elizabethæ & heredibus suis predicta Manerium Tenementa Pasturam & Communiam pasture cum pertinentiis contra predictos Abrahamum & Iuditham & heredes ipsius Abrahami imppetuum Et per hac &c.

Capit' & cognit' &c.

A Fine from Husband and Wife, to a Viscount of five Acres of Land (only) with two several Warranties, 1. By the Husband against him and his Heirs. 2. By the Husband and Wife against the Heirs of the Wife.

Hertf. ff. **P**recipe Thome King & Jane uxori eius quod iuste &c. teneant Thome Fanshaw Militi Balnei (Wicecomiti Donmore in Regno Hibernie) Conventionem &c. de quinq; Arcis Terre cum pertinentiis in Ware Cnisi &c.

Et est Concordia talis scilicet quod predicti Thomas & Jana recognoverunt predict' quinq; Acres

Acras Terre cum p̄t̄nd esse jus ipsius Thome
 Fanshaw ut illi que idem Thomas habet de
 dono p̄dicti Thome King & Jane Et illi
 remiserunt & quiete claud de ipsis Thoma
 King & Jane & heredibus suis p̄dicto Thome
 Fanshaw & heredibus suis imperpetuum Et
 p̄terea idem Thomas King concessit p̄ se &
 heredibus suis quod ipsi war p̄dicto Thome
 Fanshaw & heredibus suis p̄dicti quinqz Acras
 Terre cum p̄t̄nd contra p̄dict Thomam King
 & heredes suos imperpetuum Et ultius
 idem Thomas King & Jane concesserunt p̄
 se & heredibus ipsius Jane quod ipsi war p̄es
 dicto Thome Fanshaw & heredibus suis p̄dicti
 quinqz Acras Terre cum p̄t̄nd contra p̄dict
 Thomam King & Janam & heredes ipsius
 Jane imperpetuum Et p̄ hac &c.

Capit & cognit &c. (ut supra)

A. Precipe of divers Mannors, an Hundred, &c,

Salop' ff. Precipe Edwardo Dño H. de C.
 & Anne urozi ejus qđ iuste &c.
 teneant Johanni D. Genolo & Ebano W.
 Genolo Conventionem &c. de Maneriis de
 C. & W. cum p̄t̄nd ac de Hundredo de C.
 cum p̄t̄nd Recnon de sexdecim Meluagiis
 viginti Gardinis quadringentis Acris Terre
 sexcentis Acris Prati ducentis Acris Pasture
 centum & sexaginta Acris Bosci quingentis
 Acris Jampnozū & Buere & sexaginta so
 lidat Reddit cum p̄t̄nd in C.W. D.B. R.S.
 T. W. & D. Et nisi &c.

H 4

Et

Et est Concordia talis scit quod predicti
Edwardus & Anna recognovunt predicta Mania
Hundred Tenta & Reddit cum pnt esse jus &c.

A Precipe of divers Mannors: The Scites of
two dissolved Monasteries: The Scite of a
dissolved Priory; Of several Mesuages, Tosts,
Mills, Dove-houses and Gardens; great quan-
tities of Land, Meadow, Pasture; Wood,
Furze, Heath and Marsh Ground. Of Rent,
Common of Pasture, Free Warren, Free
Fishing, Mines, Quarries, Courts Leet, Courts
Baron, View of Frank Pledge, Estrays, Goods
and Chattels of Felons and Fugitives, Fe-
lons *de se*, and of Persons sued to the Exi-
gent, Deodands, Knights Fees, Wards, Mar-
riages, Reliefs, Eschaets, Issues, Fines, Amer-
ciaments, Natives and Villains, Fairs, Mar-
kets, Toll, Rights, Royalties, Jurisdictions,
Franchises, Liberties, Profits, Commodities,
Priviledges and Emoluments. Of two Recto-
ries, all manner of Tithes, &c. and the Ad-
vowson of a Rectory.

Lincoln ff. **P**recipe J. M. Gen quod iuste
&c. teneant G. L. Gen & W.
D. Gen Conventionem &c. de Maneriis de
Wardney Southeray Tupholme Knapth
Stowe & Gateburton cum pnt ac Scitibus
Monasteriorum dissolutorum de Wardney &
Tupholme cum pntentis Acetiam Scitu
Priorat dissolut de Hennings alias Heben-
ings alias Henyngys alias Hebenyngys cum
pnt Pecun ducentis & quinquaginta Me-
suagiis

magis triginta Tostis sex Molendinis sex
 Columbar ducentis & quinquaginta Gardi-
 nis tribus mille & quingentis Acris Terre
 sexcentis Acris Prati duabus mille Acris
 Pasture septingentis Acris Bosci mille Acris
 Camporum & Buere mille Acris Marisci
 viginti uno librat sex solidat & octo denariat
 Reddit Communia pasture p omnimodis A-
 beris Libera Maremma Libera Piscaria
 Miner Quar Cur Let Cur Baron Vis
 Franc pleg Extrahat Honis & Catallis Fe-
 lonum & Fugitivorum Felonum de se & in
 Crigend possit Deodand Feod Milite Ward
 Maritag Relevis Elcaetis Finibus Ancias
 mentis Pativis Pativis & Villanis Rur-
 dinis Mercatis Fetiis Tolnetis Iuribus Re-
 galitatibus Iurisdictionibus Franchesis Li-
 btatibus Proficuis Commoditatibus Privi-
 legiis & Emolumentis quibuscumq cum prin-
 in Wardney Southeray Topholme Galtbay
 Langton prope Hornecastle Langton prope
 Wragby Lowth Wanstun Hanworth Poort
 Metherringham Blankney Dunston Knayth
 Benings alias Hebenings alias Henyngys
 alias Hebenyngys Læ Burton Stowe Mar-
 ten Langhterton Gateburton Kettlethorpe
 Littleborough Normanby Wansby Wil-
 lingham Cotes Fillingham Dwhby Har-
 wick Newton Wampton Fenton Wpton
 Herby Kanby & Wragby ac Rectoris de
 Wpton & Herby cum pertin Ac de omnibus
 & omnimodis Decimis annuatim provenien-
 crescen seu renoband in Senage & Southeray
 Actiam de Advocatione Rectorie de Knayth
 Et nisi &c. Et

Et est Concordia talis scilicet quod predicti J. & R. recognoverunt predicta Mania scilicet Tenementa Reddunt Communiam pasturam Marcennam Piscaria Miner Quar Cur Let Cur Baron Mis Franc pleg Extrahunt Bona & Catalia Felonum & Fugitivorum Felonum de se in Exigendo possit Deponere Feod Mil Ward Maritag Relevia Escaet Exit Fines Aniciament Pativos Pativas & Milland Rundi Mercat Frieras Tolnet Jur Regalitat Jurisdictiones Franches Librat Privilegia Commoditat Privilegia Emolumenta Rectorias & Decimas cum pertinenti ac Advocacionem predicti esse jus &c.

Capit & cognit (ut supra.)

Of a Preceptory or Commandry of divers Manors, Hundreds, several Messuages, Mills, Gardens, great quantities of Land, Meadow, Pasture and Wood, Free Fishing, Liberty of Foldage, Tithes, Advowsons of Churches, and the Advowson of a Vicaridge.

Norff. ff. **P**receptum W.C. Arnd & J.C. Gen & M. uxor eius quod fuisse ac. tenent J. M. Gen & R. C. Gen Conventionem &c. de Preceptorio alias Commandria de Carbrooke cum pertinenti Ac de Manerio de Whinberge alias Whinbarroughe Garston alias Gavelston Westfield Cranworth Butlers Woodrising Pentfields Skoulton Oldlands Carbrooke Hospital Sancti Johannis Jerusalem & Carbrooke Woodhall alias

alias Latimers cum p̄t̄n Acetiam de Hun-
 zedis de Mayland & Grimshoo cum p̄t̄n
 Pecnon de viginti & sex Mesuagiis duobus
 Molendinis viginti & sex Gardinis mille &
 eraginta Acris Terre sexcentis & quadragin-
 ta Acris Prati duabus mille & ducentis Acris
 Pasture centum Acris Bosci libera Piscar &
 librate duorum Faldagiorum cum p̄t̄n in
 Whinberghe alias Whinbarroughe Garston
 alias Gaverston Thurton Keymerston Por-
 on alias Parham Patteshall Cranworth
 Letton Shipdham Westfield Woodrising
 Southbergh Bingham Skoulton Carbrooke
 Watton Griston Caston Dvington San-
 dringham Burnham Ingworth & Whorstead
 Ac de omnibus & omnimodis Decimis qui-
 buscunq; annuatim proveniend crescend seu
 renovand in Griston Caston & Carbrooke
 Pecnon de Advocationibus Ecclesiarum de
 Whinberghe alias Whinbarroughe Garston
 alias Gaverston Westfield Cranworth cum
 Letton Skoulton Woodrising Poron alias
 Parham & Thurton Acetiam de Advocati-
 one Vicarie Ecclesie de Carbrooke Et
 h̄is &c.

Et est Concordia talis scilicet qđ p̄dicti W.
 J. & M. recogn p̄dicta Preceptorium alias
 Commandariam Maneria Hundres Tene-
 menta Piscar Libertat & Decimas cum p̄t̄n
 ac Advocationes p̄dict esse jus ipsius J. ut
 ill que idem J. & M. habent de dono p̄dict
 W. J. & M. Et ill remiserunt & quiete cla-
 maverunt de ipsis W. J. & M. & heredibus
 suis

suis p̄dict J. & R. & heredibus ipsius J. imp̄petuum Et p̄terea idem W. concessit p̄ se & heredibus suis quod ipsi war p̄dict J. & R. & heredibus ipsius J. p̄dicta p̄ceptorium alias Commandariam Maneria Hundzed Tenementa Piscar Libertat & Decimas cum p̄tin ac Advocaciones p̄dict contra p̄dict W. & hered suos imp̄petuum Et ultius iidem J. & M. concesserunt p̄ se & heredibus ipsius J. quod ipsi war p̄dict J. & R. & heredibus ipsius J. p̄dicta p̄ceptorium als Commandariam Maneria Hundzed Tenementa Piscar Libertat & Decimas cum p̄tin ac Advocaciones p̄dict contra p̄dict J. & M. & heredes ipsius J. imp̄petuum Et p̄ hac &c.

Capit & cognit &c. ut supra.

A Fine *sur Concessit* for the Term of 500 years (without Impeachment of Waste) of the third part of a Mannor, Messuages, Gardens, Orchards, Land, Meadow, Pasture and Wood.

Ex' n. **P**recipe Johanni Clarke Clerico & Margarete urozi ejus quod iuste &c. teneant Robto Duke Conventionem &c. de tertia pte Manerii de Over Peloham alias Over Peloham Hall alias parva Peloham cum p̄tin Ac decem Meluagiorum duorum Gardinorum duor Pomariorum trescentarum Acrarum Terre viginti Acrarum Prati ducentarum Acrarum Pasture & triginta Acrarum Bosci cum p̄tin in Peloham parva als Over

Ouer Veldham Nether Veldham Scamborne
 Wilbury iuxta Clare Toppesfield Castle Hede-
 dingham Heddingham Sible Gellingthorpe
 Belchampe Saynte Paule Otten Belchampe
 Roddeswell & Belchampe William Et nisi
 &c.

Et est Concordia talis scilicet quod predicti
 Johannes & Margareta concesserunt predicto
 Roberto predicti tertiam partem cum partem habens
 & tenens eidem Roberto a Festo Nativitatis
 Sancti Johis Baptiste usque preficit usque finem
 termini quingentorum annorum extunc pro-
 sequens & plenarie complens Absque impeti-
 tione alicujus vasti Reddens inde annuatim
 predicti Johi & Margarete & heredibus ipsius
 Margarete unum granum piperis ad Festum
 Natalis Domini annuatim solvens toto ter-
 mino predicto si petatur Et predicti Johannes & Mar-
 gareta & heredes ipsius Margarete war predicto
 Roberto predicti scilicet predicti cum partem sicut predicti est
 contra predicti Johis & Margareta & heredes ip-
 sius Margarete toto termino predicto Et per hac &c.
 Capit & cognit &c. ut supra.

A Precipe of a Mesuage, Dove-house, Gardens,
 Land, Meadow, Pasture and Wood, of two
 parts of a Mannor, and 150 Acres of Land,
 40 Acres of Meadow, and 200 Acres of Pa-
 sture, Common of Pasture for all manner of
 Cattle, two parts of a Rectory, and the
 Tithes of Corn, Hay, Wooll and Lamb, and
 all other Tirhes whatsoever.

Lbor' H. Precipe Henrico Hall Armigero &
 Ricco Darley Gen qd iuste &c.
 teneant

teneant Willielmo Thozneton Armigeri
 & Thome Alure Sen Conventionem qd
 de uno Mesuagio uno Columbar duobus
 Gardinis ducentis & septuaginta Acris Terre
 octoginta & sex Acris Prati centum triginta
 & sex Acris Pasture & quadraginta Acris
 Bosci Ac de duabus ptibus Panerii de Bi-
 shop Wilton cum ptd ac centum & quin-
 quaginta Acrarum Terre quadraginta Acrarum
 Prati & ducentarum Acrarum Pastu-
 acetiam Communia Pasture pro omnibus
 Aberiis cum ptd in Bishop Wilton & Gel-
 dal Pernon duabus partibus Rectore
 Bishop Wilton cum ptd ac omnium & om-
 nium Decimarum Garbarum Feni Lam-
 ac Agnellozum ac omnium aliarum Dec-
 marum quarumcunq annuatim crescent
 nobis & contingent in Bishop Wilton &
 Gelball Et nisi &c.

Et est Concordia talis scilicet quod pdis
 Henricus & Richardus recognoverunt pdis
 Tenementa partes & Communiam pastu-
 cum ptd esse suis &c.

A Precipe where the Sheriff of the County
 Cognizee, and therefore the Writ of Cove-
 nant is directed to the Coroners.

Buck. ff. **P**recipe Darby Dora Generoso
 Sate uxori eius quod iuste
 teneant Roberto Gayer Militi Walnei
 Cord Buk. Conventionem &c. de uno Mesu-
 agio uno Gardino uno Pomario octo Acris
 Terre

Terre duabus Acris Prati & Communia pasture cum p̄tin in Stoke Poges Et nisi &c.
 Nota qd' W̄re de Com direct Coronatoribus
 fuit i W̄se Michaelis Teste octavo die Octo-
 nis Anno Regni nostri xv. (Et tunc post
 Teste hec Clausula inseritur) Quia p̄s Ro-
 otus est modo W̄ic Com p̄s Ideo ad Execu-
 tionem istius W̄revis aliquantulum se non intro-
 mittat sed fiat Executio ejusdem p̄ Coronato-
 res supradictos.

Et est Concordia talis scilicet qd' p̄dict Dars-
 by & Sara recognoverunt p̄dict Tenementa
 & Communiam Pasture cum p̄tin esse Jus
 ipsius Robti ut ill &c.

From a Duke and his Lady, and a third Per-
 son, to a Duke and another Cognizee, of an
 Honor, several Mannors and Parks; divers
 Mesuages, Tofits, Water-Mills, Dove-houses,
 Gardens, great quantities of Land, Meadow,
 Pasture, Wood, Furze and Heath, Rent, Free
 Warren, View of Frank Pledge, and what-
 soever doth thereunto belong: Waifs, Estrays,
 Deodands, Goods and Chattles of Felons,
 Fugitives, Felons *de se*, Persons outlawed;
 Return of all Writs whatsoever; and of all
 and all manner of Liberties and Franchises.

Essex & p̄cepte G. Duci B. & M. ux. ejus
 & R. G. Armigero qd' iuste &c.
 teneant G. Duci A. & M. L. Armigero Con-
 ventionem &c. de Honore de Bewlew alias
 Bewlegh cum p̄tin Ac de Maneriis de
 Bewlew

Bewlew alias Bewlietw alias Rew Hall
 Old Hall Bozeham's Wakefare Hall alias
 Walford Hall & Belsted Hall cum p̄tinentiā
 Acetiam de tribus parcis cum p̄tinentiā
 non de triginta meluagiis quindecim colubis
 tribus molendinis aquaticis duodecim co-
 lumbas triginta gardinis mille & quingen-
 tis ac̄ terre quadringentis ac̄ris p̄tenti
 bus mille & quingentis ac̄ris p̄tenti septin-
 gentis ac̄ris Bosci mille Ac̄ris Jamprorum
 & Buere viginti Libras Reddit libera Ma-
 renna Vis Franc Pleg & quicquid ad Ma-
 Franc Pleg p̄tinet Bonis & Catallis Ma-
 viat Extrahit Deodand Bonis & Catallis
 Felonum & Fugitivorum Felonum de
 Utlagator & in Exigend possit Retorū om-
 nium Breuium quorumcunq̄ Ac de omni-
 bus & omnimodis Libertat & Franchis cō-
 p̄tinentiā in Bozeham Springfield Watfield Pe-
 verel Bromseild parva Maltham magna
 Leighes parva Waddowe magna Waddowe
 Tarlinge Et nisi &c.

Et est Concordia talis scilicet qd̄ p̄dict Dux
 B. & M. & R. recognoverunt p̄dict Honore
 Maneria Parcos Tenementa Reddit Ma-
 rennam Vis Franc Pleg Bona & Catalla
 Maviat Extrahit Deodand Bona & Ca-
 tallia Felonum & Fugitivorum Felonum de
 se Utlagatorum & in Exigend possit Retorū
 Breuium Libertat & Franchis cum p̄tinentiā
 esse ius ipsius Ducis A. ut illi que ibidem
 Dux A. & M. habent de dono p̄dict Ducis
 B. & M. & R. Et illi remiserunt & quiete cla-
 maverunt

naberunt de ipsis Duce B. & M. & R. & heredes
suis p[ro] Duci A. & M. & heredes ipsius Ducis A.
impetuum Et p[ro]pterea iidem Dux B. & M.
concesserunt p[ro] se & heredibus ipsius Ducis
B. quod ipsi war p[ro]dicti Duci A. & M. &
heredibus ipsius Ducis A. p[ro]dicti Honorem Paneria
Parcos Tenementa Reddit Marennam M[ar]s
Franc pleg Bona & Catalla M[ar]iat Extrahur
Deodand Bona & Catalla Felonum & Fugitivorum
Felonum de se Uclagatorum & in Exigend possit Retorna
Brevium Libertat ac Franchess cum p[ro]p[ri]etate
contra p[ro]dicti Ducem B. & M. & heredes ip[s]os
Ducis B. impetuum Et ulterius is
dem R. concessit p[ro] se & heredibus suis quod
ipsi war p[ro]dicti Duci A. & M. & heredibus
ipsius Ducis A. p[ro]dicti Honorem Paneria
Parcos Tenementa Reddit Marennam M[ar]s
Franc pleg Bona & Catalla M[ar]iat Ex
trahur Deodand Bona & Catalla Felonum
& Fugitivorum Felonum de se Uclagator
in Exigend possit Retorna Brevium Li
bertat & Franchess cum p[ro]p[ri]etate contra p[ro]dicti
A. & heredes suos imperpetuum Et p[ro]
ac &c.

Capit & cognit[ur] decimo nono die
Novembris Anno Regni Regis
Caroli secundi quintodecimo co
ram me

Orl. Bridgeman.

Precipe

*Precipe's of Moieties, Parts, &c. amongst
intire Parcels, and by themselves.*

Of the Moiety of a Mannor (amongst other
things.)

Dorset' ff. **P**recipe Thome Trenchard Armigero qđ iuste &c. teneat Roberto Rapper Armiger' Nathanieli Browne Armiger' & Willo Guavas Generoso &c. de Maneriis de Hillefeld Woolbeton Werton parva Childockford Licheat Patraboys Weere Licheat alias South Licheat alias Berther Licheat alias Licheat Winton Weere Sleape & Cockamoze alias Licheat Winton Witherston & Hammohun alias Hammoone cum ptiñ Ac de duodecim Mesuagiis quadraginta Acris Terre trescentis Acris Prati quingentis Acris Pasture & ducentis Acris Edsci cum ptiñ in Licham Patraboys Licheat Winton Wær Sleape Cockamoze Whitewell Stouñ Winton Fordington & Dorchester Pecnon de Rectoria de Childockford cum ptiñ Acetiam de Medietate Manerii de Stowborough cum ptiñ Et nisi &c.

Et est Concordia talis scilicet quod pñ Thomas recogn' pñ Maneria Tenementa Rectoriā & Medietatem cum ptiñ esse Jus &c.

Of the Moiety of a Mannor, 20 Acres of Meadow, and 20 Acres of Pasture, and of a Rectory and all manner of Tythes (amongst other things.)

Leic' ff. **P**recipe Thome Smith Baronet & Abigaeli uxori ejus quod iuste et teneant Willo Hicks Baronetto & Johanni Morris Generoso Conventioni sc. de duobus Mesuagiis quinq; Cotagiis quinq; Bardinis quinq; Pomariis sexaginta Acris Terre triginta Acris Prati & quadringentis & quinquaginta Acris Pasture Ac de Medietate Manerii de Sisonby cum pertinentiis viginti Acrarum Pasture cum pertinentiis in Sisonby Acertam Rectorie de Sisonby cum pertinentiis Ac omnium & omnium Decimarum quarumcunq; annuatim provenientem crescentem seu renovand in Sisonby Et nisi &c.

Et est Concordia talis scilicet quod predicta Thomas & Abigail recognoverunt predicta Tenementa & Medietatem cum pertinentiis esse sua &c.

Of four Moieties: The 1st. being of a Mannor, certain Messuages, Tofts, Mills, Dove-houses, Gardens, divers quantities of Land, Meadow, Pasture, Wood, Furze and Heath, fresh Marsh, salt Marsh; A Wharff, two Passages or Ferries over the River Thames, and of 100 s. Rent. The 2d of a Prebend and Rectory. The 3d of the Moiety of the
I 2 Tythes

Tythes of Corn, Grain and Hay. The 4th
of the Moiety of the Advowson of the Vicar-
ridge of the Church of W. T.

Essex' ff. **P**recipe Petro Heyman Barone
qd fuisse &c. teneat Johi Porris
Generoso Conventiōem &c. de Medietate
Manerii de West Thurrock alias West Hall
alias le Vineyard cum p̄t̄m ac viginti & sep-
tem Mesuagiorū quatuordecim Toftorum du-
orum Molendinorū duorum Columbarū tri-
ginta & quinque Gardinorum septingentarū
& decem Acratum Terre centum Acrarum
Prati trescentarum Acrarum Pasture cen-
tum viginti & trium Acrarum Bosci sexa-
ginta Acrarum Jampnorum & Buere tres-
centarum & sexaginta Acrarū Parisci frills
quindecim Acrarū Parisci talli unius Wilhmi
duorum Passagiorum sive Ferialū super A-
quam Chamis & centum solidas Reddit ad
p̄t̄m in West Thurrock Dodinghurst Ham-
myrs Wyld Stifford Grace alias Grays
Aulstye alias Audly Purfett Bozris &
Thorrock Pecnon de Medietate Prebende
& Rectorie de West Thurrock cum p̄t̄m
Acetiam de Medietate Decimarū Granorum
Garbarum & Feni annuatim p̄bentem cres-
centū seu renovandū in West Thurrock Ac de
Medietate Advocacionis Vicarie Ecclesie de
West Thurrock Et nisi &c.

Et est Concordia talis scilicet qd p̄dict Pet-
rus recognō p̄dict Medietates cum p̄t̄m
esse Jus &c.

Of the Moiety of several Messuages, a Dove-house, Gardens, Orchards, certain quantities of Land, Meadow, Pasture, Wood, Furze and Heath; and of the Moiety of a Moiety of a Mannor (*inter alia.*)

Leic' ff. **P**recipe Richardo Wilson Genero
so quod iuste &c. teneat Thome
Wilson Con &c. de Medietate duor Mes-
sagiorum unius Columbar duor Gardinor
duorum Pontariozum viginti Acrarum Tert
centum & viginti Acrarum Prati quadring
gentarum Acrarum Pasture quindecim A-
crarum Bosci & sexaginta Acrar Jampror
& Buere cum pced in Keythorpe Tugby
alias Tokeby & Goadby Ac de Medietate
Medietatis Hanerii de Keythorpe cum pced
Recnon de omnibus & omnimodis Decimis
antibuscunq annuatim pventem crescem seu
renovand in Keythorpe Tugby alias Toakby
& Goadby Et nisi &c.

Et est Concordia talis scil qd pdict Ricus
recognovit pdict Medietates & Decimas cum
pertin esse Jus &c.

Upon two Writs of Covenant.

Of divers Messuages, a Barn, Gardens, an Or-
chard and three Acres of Pasture; and of the
third part of several Messuages, Gardens and
Acres of Pasture in the County of Midd'; and,
Of the third part of several Mannors, Mes-
suages,

Luages, Barns, Tofts, a Dovehouse, Gardens, Orchards, Acres of Land, Meadow, Pasture, Wood, Furze and Heath, More ; of Rent and Common of Pasture for all Cattle in the County of *Warwick*.

Midd' ff. **P**recepto Edwardo Bullock Armig^r & Elizabethæ uxoris ejus qd iuste &c. teneant Georgio Wilde Armig^r & Francisco Jermeye Armigero Conventionem &c. de duobus Mesuagiis uno Horreo duobus Cardinis uno Pomario & tribus Acris Pastum Ac de tertia parte septem Mesuagiorum duorum Gardinorum & viginti & quinque Acris Pasture cum p^{ri}mo in Cuseild & Parochia Sancti Jacobi Clerkenwel Stepney alias Stebunheath Hackney S^ci Clementis Mart^r & S^ci Leonardi Shoreditch Et nisi &c.

Warr' ff. **P**recepto eisdem qd iuste &c. teneant eisdem Conventionem &c. de tertia parte Maneriorum de Whitnash & Wlnal alias Wllon Hall alias Dine Hall cum p^{ri}mo ac quinque Mesuagiorum quatuor Horreorum duorum Toftorum unius Columbar^r septem Gardinorum quinque Pomar^r ducentar^r quadraginta & sex Acrarum Terre octoginta & trium Acrarum Prati ducentarum & viginti Acrarum Pasture triginta Acrarum Woldi undecim Acrar^r Tampusorum & Buiere quatuor Acrarum Poze octoginta & quatuor solid^r & novem Denar^r Reddit Ac de Communia Pasture pro omnibus Averiiis cum p^{ri}mo in Whitnash Wlnal alias Wllon Hall alias Dine

Olne Hall & Wotton alias Walkens Wotton Et nisi &c.

Et est Concordia talis scilicet qđ pres Edwardus & Elizabetha recognoverunt pđict Teneñta tertias partes & Communiam Pasſure cum pñd esse Jus &c.

Of the fourth Part of a fifth Part of a Messuage
in London.

London' ff. **P** Recipe Henrico Alexander Armig (Comiti Stirling in Regñ Dñi Regis Scocie) Robo Croke Militi & Susanne uxorj ejus & Henrico Zinzan alias Alexander Ar & Jacobe uxorj ejus qđ iuste &c. teneant Jacob Lucie Conventionem &c. de quarta parte unius quinte partis unius Messuagij & unius Gardini cum pñd in Parochia Sancte Katherine Coleman-ſtreet Et nisi &c.

Et est Concordia talis scilicet quod pđ Henricus Robtus & Susanna & Henricus & Jacoba recon pđict quartā partem cum pñd esse Jus &c.

Of a Mannor, Messuages, Gardens, Orchards, Land, Meadow, Pasture, Furze, Heath, and Alder; Of the third Parts of a Mannor, Messuages, Gardens, Orchards, Lands, Meadow, Pasture, Furze and Heath; and of the Moiety of the Scites of Mannor, Messuage, Garden, Orchard, Land, Meadow, Pasture and Wood.

Norff. ff. **P**recipe Thome Rugg Generoso
 qđ iuste &c. teneat Robto Cley-
 ton Generoso & Georg Lulls Generoso Con-
 ventionem &c. de Manerio de Northreps ad
 ptin ac de quinq̃ Deluagiis quinq̃ Gardi-
 nis quinq̃ Pomariis crescentis Acris Terre
 septuaginta Acris Prati ducentis Acris Pas-
 ture quadringentis Acr Jampnoꝝ & Bruere
 & decem Acris Alneti cum ptin in Northreps
 Cromer Sydesthorpe Ostrunt Fel-
 mingham Lumstowe Flockthorpe alias
 Hardingham cum ptin Pecnon de tribus
 partibus Manerii de Flockthorpe alias Har-
 dingham cum ptin ac duorum Deluagiorum
 duorum Gardinorum duorum Pomariorum
 ducentarum Acrarum Terre viginti Acrarū
 Prati cētum Acrarum Pasture & ducentarum
 Acrarum Jampnoꝝ & Bruere cum ptin
 in Hardingham Keymerston Hingha Hing-
 ham Barrow & Hymberley Acetiam de Me-
 dietate Scitus Manerii de Keymerston alias
 Cabely Hals alias Calveley Pards cum p-
 tin ac unius Gardini unius Pomarii sexa-
 ginta Acr Terre decem Acr Prati triginta
 Acr Pasture & quadraginta Acrarum Wolti-
 cum ptin in Keymerston Et nisi &c.

Et est Concordia talis scilicet quod predict
 Thomas recognovit Manerium Tenemen-
 ta tres partes & medietatem cum ptin esse
 Jns &c.

A Fine *sur concessit*, of the Moiety of a Mannor, Messuages, Gardenis, a Mill, Land, Meadow, Pasture, Wood, Furze and Heath; and of Common of Pasture and Fishing.

Ebor' ff. **P**recipe Thome Howard Armiger & Marie Ducille Dorille Ritchmond & Lenor' uxori ejus qd fuisse &c. teneant Will'o Jones Armigero Conventionem &c. de Medietate Manerii de Settrington cum ptiū ac quinquaginta Mesuagiorum quadraginta octo Gardinorum unius Molendini sex mille Acrarum Terre ducentarum Acrarum Prati octingentarum Acrarum Pasture sexcentarum Acrarum Bosci septingentarū Acrarum Jampnorum & Buere Ac de Communia pasture pro omnimodis Averiis & libera piscaria cum ptiē in Settrington Soaglichorpe Por-ton Barwent & Sutton Et visi &c.

Et est Concordia talis scilicet qd pō Thoms & Maria concesserunt p̄fato Will'o p̄dictas Medietat Communiam pasture & piscar' cum ptiū Habend & tenend eidem Will'o a Festo Sancti Michaelis Archangeli ult' p̄terit usq; finem termini quingentorum Annor' extunc p̄ox' sequend & plenar' complend (si p̄dict Maria tamdiu vixerit) reddend inde annuatim p̄dict Thome & Marie unum Granum Piperis ad Festum Sancti Michis Archangeli annuatim solvend toto termino p̄dict (si p̄dict Maria tam diu vixerit) si pesatur

tatur Et p̄dict Thom̄ & heres sui Mar
p̄dict Willo p̄dict Medietat Communiam
pasture & piscar cum ptin̄ sicut p̄dict est con
tra p̄dict Thomam & heres suos toto termin
p̄dict (si p̄dict Maria tandiu vixerit) Et p̄
dict Thomas & Maria & heredes ipsius Marie
Mar p̄dict Willo p̄dict Medietat Commu
niam pasture & piscar cum ptin̄ sicut p̄dict
est contra p̄dict Thomam & Mariam & here
des ipsius Marie toto termino p̄dict (si p̄dict
Maria tandiu vixerit) Et p̄ hac &c.

Capit & cognit rix die Octobris
Anno Regni Regis Caroli ses
cundi decimo nono coram

Orl. Bridgman.

Of certain Messuages, Gardens, Orchards, Land,
Meadow, Pasture and Wood. Of the Moiety
of a Mahnor, 300 Acres of Furze and Heath,
and 6 l. 13 s. 4 d. Rent. And of Common
of Pasture for all Cattle.

Essex. ff. **P**recipe Johanni Abdy Militi &
Baronet Johani Chapman Gen
& Robto Abbot Gen qd̄ iuste &c. ten̄ Elias
Harvey Militi & Johani Prestwood Conventi
onem &c. de tribus Mesuagiis tribus Card
nis quatuor Pomartis quadraginta Acris
Terre triginta Acris Prati centum Acris
Pasture & quinque Acris Bosci Ac de Me
dietate Manerii de Barringtons alias Barring
ton cum pertinen' & trescentarum Acrarum
Jamnorum & Bruere & sex Librat' tresde
cim

cim Solidat' & quatuor Denariat' Reddit'
 Recnon de Communia pasture pro omni-
 bus Aberis cum pertinentiis in Chigwell
 Woodford Loughton alias Lowton & Fo-
 resta de Waltham Sancte Crucis Et nisi
 &c.

Et est Concordia talis scilicet quod predicti
 Robertus Johannes Chapman & Robertus
 recognoverunt predicta Tenementa Medie-
 tat' & Communiam pasture cum pertinentiis
 esse Jus ipsius Eliab ut illa que inde Eliab
 & Johannes Prestwood habent de dono p[re]d[ic]ti Robti
 Johnis Chapman & Robti.

Of the third part of several Messuages; certain
 Land, Meadow, Pasture and Wood.

Suff. ff. **P** Recipe Jemunah Waldegrave q[uod]
 iuste &c. teneat Waldegrave
 Welham Armigero & Willielmo Byat Ge-
 neroso Conventionem &c. de tertia parte
 trium Meluagiorum centum & quinque A-
 crarum Terre viginti & novem Acrarum
 Wati octoginta & octo Acrarum Pasture &
 sex Acrarum Bosci cum p[ar]te in Bures S[an]c-
 te Marie Cozmarch magna & Cozmarch parva
 Et nisi &c.

Et est Concordia talis scilicet quod p[re]d[ic]ti Je-
 munah recognovit predictam tertiam partem
 cum pertinentiis esse Jus ipsius Waldegrave
 &c.

Of

Of the Moiety of a Mannor, and the Moiety
of an Advowson of a Church (*inter alia.*)

Ebor' ff. **P**recipe Briano Cockayne Wice-
comiti Cullen in Regno Hib-
nie & Elizabethæ uxorī ejus & Georgio Blunt
Arm & Mariæ (Wicecomitisse Dotisse Cullen
in Regno Hibnie) uxorī ejus quod fuisse &c.
teneant Carolo Pawlet Domino St. John
de Wasing & Johi Norton Baronetto Con-
ventionem &c. de octo Mesuagiis uno Mo-
lendino octo Gardinis octo Pomariis quin-
gentis Acris Terre ducentis Acris Prati
quingentis Acris Pasture triginta Acris
Bosci octingentis Acris Iampnoz & Buere
viginti solidat Reddit Communia Pasture &
liba Marennæ cum ptin in Hanging Grim-
ston Uncleby Sixtendale als Thirtendale &
Kirby Underdale Ac de omnibus & omni-
modis Decimis quibuscunq; annuatim pro-
venien crescen seu renovan in Hanging
Grimston Uncleby Sixtendale als Thir-
tendale & Kirby Underdale Pecnon de me-
dietate Manii de Hanging Grimston cum
ptin Acetia de medietate Advocationis Ec-
clesiæ de Kirby Underdale Et nisi &c.

Et est Concordia talis scilicet quod predicti
Brianus & Elizabetha & Georgius & Maria
recogni possint Tenementa Communiam pa-
sture Marennam Decimas ac medietates
cum ptin esse suos &c.

Of certain Messuages, Cottages, a Dove-house,
Gardens, Orchards, Land, Meadow, Pasture,
Wood, fresh Marsh, salt Marsh, a Wharf,
and two Passages over the *Thames*; of the
Moiety of a Mannor, 100 s. Rent, and of an
Advowson.

Essex' ff. **P**recipe **P. H. Baronetto J. M.**
Arm & R. C. Arm qd iuste &c.
teneant **J. W. Gen & T. B. Gen** Con-
ventionem &c. de decem Mesuagiis octo Co-
tagiis uno Columbar' decem Gardinis decem
Pomariis trescentis & septuaginta Acris
Terre triginta & quinq; Acris Prati trigin-
ta Acris Pasture octoginta Acris Bosci du-
centis Acris Marisci frisci decem Arcis Ma-
risci salti una. Wharfa & duobus Passagiis
ultra aqua *Thamis* cum p'rid in **W. T. D.**
H. M. S. G. A. P. C. & T. Ac de medie-
tate Manerii de **W. T.** als &c. cum per-
tin' Pecnon centum solidat' reddit' cum
p'rid Acetia Advocationis Ecclesie de **W. T.**
Et nisi &c.

Et est Concordia talis scit' quod predicti
P. J. M. & R. recognoverunt p'dict' Tene-
menta Wharfam Passagia & Medietat' cum
pertin' ac medietatem Advocationis p'dicta
esse jus &c.

Upon two Writs of Covenant.

- (1) Of the moiety of a Mannor, the moiety of an Hundred, and of several Messuages, Cottages, certain Land, Meadow, Pasture, Wood, Furze and Heath, Moor, Marsh, and 100 s. Rent. Of the moiety of Common Pasture for all manner of Cattle, and of the the moiety of View of Frank-pledge, Goods and Chattels of Felons and Fugitives, Felons *de se*, Deodands, Waifs, Liberties and Priviledges in the County of *Wiltēs*?
- (2) Of the moiety of certain Messuages, Gardens, Land, Meadow and Pasture, in the County of *Somerset*.

Wiltēs ff. **P**recipe *Robto Danvers alias*
Williers Arnd & Elizabeth
uxori ejus quod iuste &c. teneant Willielmo
Billet Gen Conventionem &c. de medietate
Manii de Westbury Arund Westbury Brook
Mewdits Leigh Priors Westbury Leverlegg
Brembridge Hawkeridge Heywood Leigh &
Seawell cum pñd Ac de medietate Hun-
dredi de Westbury cum pñd Deenon centū
Messuagiorum centum & sexaginta Coragior
duarū mille Acrarū Terre quadringentarū A-
craꝝ Bosci mille Acrarū Iampnoꝝ & Buiere
sexcentarū Acrarū Moze sexcentarū Acrarū Pa-
risci & cent solidatū Redditū Aceridū medietatē
Communie Pasture pro omnimodis Averis
Ac de medietate Wiā Franc pleg Bonorum

& Catallorum Felonum & Fugitivorum Felonum de se Deodand & Maviat Libtat & Privileg cum pñd in Hawkrige Heywood Biatton Milborne Stoke Brooke Penley Liegh Brembridge Le Marsh Wilton Chapmanlade Westbury Imber Edington North Bradley Steple Ashton Soudley Trowbridge & Bradford Et nisi &c.

Somset. ff. **P**recipe eisdem quod iuste &c. teneant eidem Conventionem &c. de medietate octo Messuagior octo Gardinis centid Acray Terre quadraginta Acray Pratt & sexagint Acr Pasture cum pñd in Beckington Rudge Sanderwerke & Berkley Et nisi &c. Et est Concordia talis scilicet quod pñcti Robtus & Elizabetha recogn pñct medietates & Communiam pasture cum pñct esse ius &c.

Of divers Messuages, Gardens, Orchards, Acres of Land, Wood and Marish ground. Of the moiety of several Messuages, Gardens, Orchards, Acres of fresh and salt Marsh. Of the third part of certain Acres of Marsh ground in B. &c. of the Rectory of B. And of all and all manner of Tithes, Oblations, Obventions and Portions yearly coming, growing or renewing in B. &c. As also of the Advowson of the Vicaridge of the Church of B.

Kanc' ff. **P**recipe Georgio Poore Baron & Francisce uxori ejus quod iuste &c.

Et teneant J. M. Arm & T. B. Gen Con-
 ventionem &c. de duobus Meluagiis duobus
 Gardinis duobus Pomariis centum Acris
 Terre quindecim Acris Bosci & centum Acris
 Marisci Ac de medietate trium Meluagiorum
 trium Gardinorum trium Pomariorum qua-
 dringentarum & quadraginta Acrar. Marisci
 frisci & quadringentar. & quinquaginta Acrar.
 Marisci salii Pecnon de Ecia pre crescentar.
 & quinq. Acrar. Marisci cum pnd in Pa-
 rochia Sancti Johani Bapt. Wythington
 Minster Bobbing Milton Cheatney & Wode
 Acetiam de Rectoria de Bobbing cum pnd
 Ac de omnibus & omnimodis Decimis Ob-
 lationibus Obventionibus & Portionibus an-
 nuatim provenientem crescentem seu renovand in
 Bobbing & Milton Pecnon de Advocatione
 Vicarie Ecclesie de Bobbing Et nisi &c.

Et est Concordia talis scilicet quod Pnd
 Georgius & Francisca recogn. Pnd. Tene-
 menta Medietatem Eciam ptem Rectoriam
 Decimas Oblationes Obventiones & Por-
 tiones cum pnd ac Advocationem pnd. &c.
 6

Of several Mannors, Messuages, Tofts, a Windmill, Gardens, Acres of Land, Meadow, Pasture, Wood, Furze and Heath, fresh Marsh, salt Marsh, Rent, Common of Pasture, free Fishing, Liberty of Foldage, free Warren, and View of Frank Pledge. *Of the moiety of divers Mannors, Messuages, Acres of Land, Meadow, Pasture, Wood, Furze and Heath, salt Marsh, and a Fold Course, with the Advowsons of several Churches and a Chapel.*

Norff. ff. **P**recipe Christofero Sparke Cend
qđ iuste &c. teneat Radō New-
man Cend Conuencionem &c. de Mānīs de
Acle Aldby alias Aldby Hall Burrough
Sante Margarete Cockthorp Blakney alias
Snitterley Howel Hall als Attleys & Wibe-
ton Stafford alias Wiveton Ducis cum p̄tind
ac tresdecim Mēsuagiis quatuor Toftis uno
Molendino ventriticō novem Gardinis mille
& triginta Acris Terre centum & triginta
Acris Prati ducentis & sexaginta Acris Pa-
sture nonaginta Acris Bosci quingentis &
quingenta Acris Lampnozū & Buere
noningentis & quingenta Acris Marisci
scilicet mille Acr Marisci salis sexdecim librat
Reddit Communia Pasture libera Piscaria
libtate trium Faldagiorū libera Marentha
& Mīs Franc pleg cum p̄tind in Acle Upcon
Fithley Boyton Burlington Aldby Toft
Donks Haddistoe Haddistoe Thorpe Whit-
acre Furrough Ranengham Thurlton Win-
K det

del Winston Kerby Burgo Sancte Margarete Burgo Sancte Marie Willockby Chippesby Dby Wapbridge Rollesby Partban Cockthorpe Stiffkey Langham Porston Blackney alias Sniterly Warham Winham Wiveton Glaunfords & Cley Pecnon de Medietate Manior de Petherhall & Stowes cum pñd ac trium Mesuagiorum ducentarum Acrarum Terre quadraginta Acrarum Pasture decem Acrarum Bosci octoginta Acrarum Tarnporum & Buere trescentarum Acrarum Marisci & unius Faldagii cum pñd in Cockthorpe Stiffkey Langham Porston Blackney alias Sniterly Warham Winham Wiveton Glaunfords & Cley Acetiam de Advocationibus Ecclesiarum de Acle Thorpe sura Haddistoe Cockthorpe Sniterly Blackney Capelle de Glaunfords Et nisi &c.

Et est Concordia talis scilicet quod predictus Christoferus recognovit Maneria Tenementa Reddit Communiam Pasture Piscas Libertat Marennam Vis Franc pleg & medietat cum pñd ac Advocaciones predictas esse suas &c.

Of Lands in the Isle of Ely.

Cantabr' ff. **P** Recipe Thome Davys & Elizabetha uxori eius Mouncey Wallis & Anne uxori eius & Willo Astell quod iuste &c. teneant Johanni Colvile Gens & Thome Browne Gen Conventionem &c. de uno Mesuagio uno Cotagio uno Cardano uno

Anno Pomario triginta Acris Terre decent
 Acris Prati triginta Acris Pasture viginta
 Acris Marisci & Communia Pasture p om-
 nibus Abiis cum pñd in Insula Clienti
 Et nisi &c.

Et est Concordia talis scilicet quod pñd
 Thomas Davys & Elizabetha Mountford &
 Anna & Willielmus recognoverunt predicta
 Tenementa & Communia Pasture cum pñd
 esse Jus &c.

Capt & cognit 4 die Februar
 Anno decimo septimo Caroli
 Regis scñi coram nobis

George Rayson.
 Jo. Turbill.
 Charles Baxter.

Virtute Dñi Potest
 Cur Canc emanand
 Teste xxiv. Januarii
 Anno xvi.

A Fine levied in the County Palatine of
Lancaster.

Lanc' ff. **H**EC est finalis Concordia facta
 in Curia Domini Regis apud
 Lancast' die Martis in quarta septimana
 quadagesime Anno Regni Domini nostri
 Caroli secundi Dei Gratia Anglie Scotie
 Francie & Hibernie Regis Fidei Defensoris
 &c. quintodecimo coram J. C. Milite & A. Cuno
 Bertheid vñat Dñi Regis ad Legem Justicie
 ejusdem Domini Regis apud Lancast' &
 illis vñat Domini Regis fidelibus tunc ibi
 presentibus inf R. W. H. S. & M. L. quer
 & J. W. & W. B. deforc de Martis de W.

& S. cum p̄tind ac duobus Mesuagiis tribus
 Cotagiis &c. cum p̄tind Unde placitū Con-
 ventionis surd fuit inde int eos scilt quod
 p̄dicti J. & W. recognō p̄dicta Mania & Tene-
 menta cum p̄tind esse jus &c.

A Fine of three Messuages (acknowledged by
 the word Mesuagia in the Concord.)

London ff. **P**recipe Benjamine Stone Gen
 & Margarete uxori ejus quod
 juste &c. teneant Willielmo Simpson Gen
 & Iosepho White Gen Conventionem
 de tribus Mesuagiis cum p̄tind in Parochia
 St. Brigette atq; St Bride Et nisi &c.

Et est Concordia talis scilt quod p̄dicti
 Benjaminus & Margareta recognoverunt
 p̄dicta Mesuagia cum p̄tind esse jus ipsius
 Willielmi ut illi que iidem Willielmus &
 Iosephus habent de dono p̄dicti Benjamini &
 Margarete Et illi remiserunt & quiete cla-
 maverunt de ipsis Benjamine & Margareta
 & heredibus ipsius Margarete p̄dictis Will-
 & Iosepho & heredibus ipsius Willielmi im-
 ppetuum Et p̄terea iidem Benjaminus &
 Margareta concesserunt pro se & heredibus
 ipsius Margarete quod ipsi war p̄dictis
 Willmo & Iosepho & heredibus ipsius Will-
 lielmi p̄dicta Mesuagia cum p̄tind contra
 p̄dictos Benjaminum & Margaretam & he-
 redes ipsius Margarete imppetuum Et pro
 hac &c.

Capit & cognit vicesimo tertio } Uno Justic de Com-
 die Julii Anno Regni Regis } muni Banco p Des
 Caroli scbi quintodecimo coram } Potestatem Teste 20
 me } Junii Anno 15 supras
 Tho. Tyrnil. } dicto.

A Fine upon two Writs of Covenant of eleven
 Cottages in *London*, and one Messuage in
 the County of *Middlesex* (acknowledged by
 the word *Tenementa* in the *Concord*.)

London ff. **P**recepto Radonis Freeman Militi
 & Margarete uxori eius quod iuste
 & tenendo Carolo Barter Generoso Convent
 & de undecim Cotagiis cum pertin' in Pa-
 rochia Sancti Stephani Coleman-street Et
 nisi &c.

Midd' ff. **P**recepto eidem quod iuste &c. tenendo
 eidem Convent &c. de uno Mes-
 suagio cum pertin' in Parochia Scti Sepulchri
 extra Newgate Et nisi &c.

Et est Concordia talis scilicet quod predicti
 Radus & Margareta recognoverunt predicta Tene-
 menta cum pertin' esse sua ipsius Caroli ut illi
 que idem Carolus habet de dono predicti Radonis
 & Margarete Et illi remiserunt & quiete claud
 de ipsis Radonis & Margareta & heredibus suis
 predicto Carolo & heredibus suis imppetuunt
 Et preterea iidem Radus & Margareta concess-
 erunt p se & heredibus ipsius Radonis quod ipsi
 war' predicto Carolo & heredibus suis predicta
 Tenementa cum pertin' contra predictos Radum

& Margaretam & heredes ipsius Rati ac contra heredes Willielmi Freeman Armⁱ Patri ipsius Rati & Martini Freeman Armigeri Abi predicti Rati defuncti imppetuum Et pro hac &c.

Capit & cognit^o decimo seprimo die Junii Anno Regni Regis Caroli secundi sextodecimo coram me

Orl. Bridgman.

Of thirty three Acres of fresh Marsh (by the word Tenementa in the Concord.)

Kanc^o ff. **P**recepto Johanni Wzett Gen^o & Elizabethe uxori eius qd iussu &c. teneant Thome Pafor Conventione &c. de triginta & tribus Acris Parisci frisci cum p^ortu in Old Rumney Et nisi &c.

Et est Concordia talis scilicet quod predicti Johannes & Elizabetha recogn^o p^odicta Tenementa cum p^ortu esse sua ipsius Thome & ill^o que idem Thomas habet de dono predicti Johannis & Elizabetha Et ill^o remis^o & quiet^o clari^o de ipsis Johanne & Elizabetha & heredibus suis p^odicto Thome & heredibus suis imppetuum Et p^oterea iidem Johannes & Elizabetha concesserunt p^o se & heredibus ipsius Johannis quod ipsi war^o p^odicto Thome & heredibus suis p^odicta Tenementa cum p^ortu contra predictos Johannem & Elizabetham & heredes

heredes ipsius Johannis imppetuum Et pro
hac &c.

Capit & cognit (ut supra.)

Of a Mannor, Park, and Scite of the late Mona-
stery of *Ramsey*, with several Messuages, Cot-
tages, Tofts, Dove-houses, Gardens, Or-
chards, Acres of Land, Meadow, Pasture,
Wood, Furze and Heath, Moor, Marsh and
Turbary, and of a Rectory.

Hunt' ff. **P**recipe Henrico Williams alias
Cromwel Arm & Anne uxori
ejus quod fuisse &c. teneant Johanni Morris
Gen Conventionem &c. de *Panerio de Ram-*
sey cum p^{tin} ac de *Parco de Ramsey* cum p^{tin}
Pecnon de Scitu nup Monasterii de
Ramsey cum p^{tin} Acetiam de decem Me-
suagiis sexdecim Cotagiis sexdecim Tofts
tribus Columbar' viginti Gardinis viginti
Pomariis sexcentis Acris Terre centum Acris
Prati quingentis Acris Pasture sexaginta
Acris Bosci quadringentis Acris Iampnozumi
& Buere quatuor mille Acris Poze quatuor
mille Acris Marisci & duabus mille Acris
Turbar' cum p^{tin} in *Ramsey* & *Wiggine*
Ac de Rectoria de *Ramsey* cum p^{tin} Et
nisi &c.

Et est Concordia talis scilicet quod p^{dicti}
Henricus & Anna recog^{it} p^{dicta} *Panin* *Par-*
cum Scitum Tenementa & Rectoriam cum
p^{tin} esse jus &c.

A Fine *sur Concessit* from two Cognizors to one Cognizee, of divers Mannors, Tenements, and of Common of Pasture, and a Rectory, to hold to the Cognizee for 60 years (if the Cognizors or either of them so long live) without Impeachment of Waste, rendring the yearly Rent of a Pepper-Com, if demanded.

Norff. ff. **P**recipe R. W. War & H. uxori
ejus quod iuste &c. tenent T. W.
(S. T. D.) Con &c. de Man de P. L. L.
H. S. W. B. C. alias C. alias W. B.
& H. cum pñd Ac de triginta Mesuagii
tribus Molendinis triginta Gardinis triginta
Domariis octingentis Acris Terre centum
Acris Prati ducentis Acris Pasture centum
Acris Bosci mille Acris Iampnozorum &
Wuere & Communia Pasture cum pñd in
Waston Wappesburgh Lambs alias Lamak
Scottow Parham Waston Womehome Kest-
wicke Knapton Trunch Wundesley Cromer
Gresham Barmingham East Beckham West
Beckham Aylmerton Felbzigge Rowton
Susted Wotton Town Barmingham North-
wood Barmingham Winter Barmingham
Barmingham parva Pattlaske Plumsted
Wempsted prope Baconsthorpe Baconsthorpe
Wickner Thurkargon Albouroggh als Ayle-
borough Edenthorpe alias Edithorpe Cross-
wicke Ridlington Walcot & Swayfield
Pecnon de Rectoria de Waston cum pñd Et
nisi &c.

Et

Et est Concordia talis scilicet quod predicti
 R. & R. concesserunt predicto T. predicta
 Maneria Tenementa Communiam pasture &
 Rectoriam cum pertinentiis habend & tenend
 eidem T. a Festo Natalis Domini usque pre-
 terit usque finem termini sexaginta anno-
 rum extunc prope sequend & plenarie com-
 plend si predicti R. & R. seu eorum alter
 tam diu vixerint sine impetitione alicujus
 Massi Reddens inde annuatim predictis R.
 & R. unum Granum Piperis ad Festum
 Sancti Michaelis Archangeli annuatim sol-
 vend toto termino predicto si petatur si
 predicti R. & R. seu eorum alter tam diu
 vixerint Et predicti R. & R. & heredes
 ipsius R. (viri) warrant predicto T. pre-
 dicta Maneria Tenementa Communiam pa-
 sture & Rectoriam cum pertinentiis sicut pre-
 dictum est toto termino predicto si predicti
 R. & R. seu eorum alter tam diu vixerint
 Et pro hac &c.

Capit & cognit, ut supra.

Upon

Upon two Writs of Covenant.

- (1.) Of a Mannor, Park, Messuages, Cottages, a Wind-Mill for Corn, Dove-house, Gardens, Orchards, Land, Meadow, Pasture, Wood, Furze and Heath, Rent, Common of Pasture, Liberty of Foldage, Free Warren, View of Frank Pledge, and whatever belongs to View of Frank Pledge, Goods and Chattels of Felons and Fugitives, Persons outlawed and attainted, Felons *de facto* and of Deodands in the County of *Cambridge*; And
- (2.) Of a Mannor, Park, Messuages, a Water-Mill, a Dove-house, Gardens, Orchard, Land, Meadow, Pasture, Wood, Furze and Heath, Liberty of Foldage and Rent in the County of *Suffolk*.

Cantabr' ff. **P**Recipe Johanni Cotton Milite & Baronetto & Jane uxori eius quod iuste &c. teneant Martino Folkes sen Gen & Martino Folkes jun Gen Conventionem &c. de Manerio de Cheveley cum pertinentiis ac de Parco de Cheveley cum pertinentiis Pecnon de sex Mesuagiis sex Cotagiis unius Molendino ventriticis duobus Columbariis Gardinis sex Pomar' tricentis & quingentis Acris Terre quadraginta Acris Pasture quadraginta Acris Bosci quingentis Acris Tamenorum & Bueve viginti solidat' Reddit' Communi

munia pasture Libertat Faldagii Libera
Marennam Vis Franc pleg & quicquid ad
Vis Franc pleg pertinet Bonis & Catallis Fe-
sonum & Fugitivorum Uclagatorum & at-
tinctorum Felonum de se & Deodand cum
ptin in Cheveley Ashley Silverley Kirtling
Wood Ditton Ditton Wallence Ditton Ca-
minces & Herton Acetiam de Advocatione
Ecclesie de Cheveley Et nisi &c.

Suff. ff. **P**recipe eisdem quod fuisse &c. tes-
neant eisdem Conventionem &c.
de Panerio de Lidgate cum ptin ac de Parco
de Lidgate cum ptin Pecnon de duobus
Mesuagiis uno Molendino aquatico uno Co-
lubar duobus Gardinis duobus Pomariis
mille Acris Terre centum Acris Prati tres-
centis Acris Pasture viginti & quinque Acris
Bosci trescentis Acris Jampnozi & Buere
Liberte Faldagii & triginta solidat reddidit
cum ptin in Lidgate Dwliden Wickham
Woske Curcling Ashley Cowling Dalham
Dowlton & Bradley parva Ac de Advoca-
tione Ecclesie de Lidgate Et nisi &c.

Et est Concordia talis scilicet quod predicti
Johannes & Jana recognoverunt predicta Pa-
netia Parca Tenementa Communiam pa-
sture Liberam Marennam Vis Franc pleg
& quicquid ad Vis Franc pleg pertinet Li-
bertat Faldagiorum bona & catalla Felonum
& Fugitivorum Uclagatorum & Attinctorum
Felonum de se & Deodand cum ptin ac Ad-
vocationes predictas esse jus ipsius Martini
sen

señ ut illi que iidem Martinus señ & Martinus suñ habent de dono predictorum Johannis & Jane Et illi remiserunt & quiclamaberunt de ipsis Johanne & Jana & heredibus ipsius Johannis predicto Martino señ & Martino suñ & heredibus ipsius Martini señ imppetuum Et pretea iidem Johannes & Jana concesserunt p se & heredibus ipsius Johannis quod ipsi war predicto Martino señ & Martino suñ & heredibus ipsius Martini señ predicta Maneria Parva Tenementa Communiam pasture Libera Marennam Aliis Franc pleg & quicquid Aliis Franc pleg pñet Libertat Faldagie bona & catalla Felonum & Fugitivorum & Lagatorum & Attinctorum Felonum de le Deodand cum pertind ac Advocaciones predictas contra predictos Johannem & Janam & heredes ipsius Johannis imppetuum Et hac &c.

Capit & cognit Etio die Martii
Anno Regni Regis Caroli scdi
sexto decimo coram me

Jo. Vaughan.

A Fine levied of 100 l. annual Rent issuing out of several Mannors, Messuages, Cottages, Barns, a Dove-house, Gardens, Orchards, Land, Meadow, Pasture, Wood, Furze and Heath, 40 s. Rent, and Free Fishing.

Buck. ss. **P**Recipe Thome Isaac Arm & Marierine uxori ejus Alexandro
Hurlston

Hurlston Gen Humfrido Hurlston Gen &
 Rose Hurlston quod iuste &c. teneant Carolu
 Duncombe Gen & Willielmo Bartlett
 Gen Conventionem &c. de annuali Redditu
 centum Librarum exenū de & ex Maneriis
 de Tyzingham & Filgrave cum pūū Ac de
 ex quinqz Mesuagiis quinqz Cotagiis quinqz
 que Horreis uno Columbar quinqz Gardinis
 quinqz Pomariis quadringentis Acris Terre
 ducentis Acris Prati octingentis Acris Pa-
 sture tribus Acris Bosci centum Acris
 Campnozum & Buere & quadraginta solidat
 Reddit cum pūū in Tyzingham & Filgrave
 Pecnon de libera Piscaria in Aqua de Dulse
 cum pūū in Tyzingham & Filgrave Et
 nisi &c.

Et est Concordia talis scit quod predicti
 Thomas & Katherine Alexander Humfridus
 & Rosa recognū pūū Redditum esse suis ip-
 sius Caroli ut illi que iidem Carolus & Will-
 ielmus habent de dono pūū Thome & Ka-
 therine Alexandri Humfridi & Rose Et illi
 remiserunt & quiete clamaverunt de se & he-
 redibus suis predictis Carolo & Willielmo &
 heredibus ipsius Caroli imppetuum Et pres-
 tea iidem Thomas & Katherine concesserunt
 p se & heredibus ipsius Katherine quod ipsi
 war predictis Carolo & Willmo & heredibus
 ipsius Caroli pūū Redditum contra pūūdos
 Thomam & Katherinam & heredes ipsius Ka-
 therine imperpetuum Et ultius idem Alex-
 ander concessit p se & heredibus suis qd ipsi
 war predictis Carolo & Willielmo & heredi-
 bus

bus ipsius Caroli p̄dicti Redditum contra p̄dictum Alexandrum & heredes suos imppetuum Et insup̄ idem Humfridus concessit p̄ se & heredibus suis quod ipsi war' p̄dicti Carolo & Willo & heredibus ipsius Caroli p̄dicti Redditum contra p̄dictum Humfridum & heredes suos imppetuum Et etiam eadem Rosa concessit p̄ se & heredibus suis quod ipsi war' p̄dictis Carolo & Willo & heredibus ipsius Caroli p̄dicti Redditum contra p̄dictam Rosam & heredes suos imppetuum p̄ hac &c.

Capit' & cognit' &c. ut supra.

A Fine of an Honor, Mannor, Messuages, Cottages, Dove-houses, Gardens, Orchards, Land, Meadow, Pasture, Wood, and the Advowson of a Church.

Hertf. ff. **P**Recipe Willielmo Willoughby Domino Willoughby de Parke Georgio Willoughby Arm' filio & hered' ap̄parent' p̄dicti Willielmi Johanni Car' Arm' & Willielmo Whiclocke Arm' quod iuste &c. teneant Paches Blucke Armigeri Conventionem &c. de honore de Hunsdon cum p̄dicto ac de Panerio de Hunsdon cum p̄dicto Pecnon de sex Mesuagiis sex Coragiis duobus Columbar' duodecim Cardinis duodecim Pomariis mille Acris Terre quinquaginta Acris Prati centum & quadraginta Acris Pasture & quatuor Acris Bosci cum p̄dictis in Hunsdon Eastwiche & Stansted Acetiam

Acetiam de Advocatione Ecclesie de Hunsdon
Et nisi &c.

Et est Concordia talis scilicet quod predicti
Willielmus Dominus Willoughby Georgius
Johannes & Willielmus Whithlorke recogno-
verunt predicta Honorem Manerium & Tene-
menta cum pertinentiis ac Advocationem predictam
esse suis ipsius Mathei ut illi que idem Ma-
theus habet de dono predictorum Willielmi
Domini Willoughby Georgii Johannis &
Willi Whithlorke Et illi remiserunt &
quiet clam de se & heredibus suis predicto Ma-
theo & heredibus suis imppetuum Et pre-
terea idem Willus Dominus Willoughby
concessit pro se & heredibus suis quod ipsi war-
rent predicto Matheo & heredibus suis predicta Hono-
rem Manerium & Tenementa cum pertinentiis ac
Advocationem predictam contra predictum Wil-
lielmum Dominum Willoughby & heredes
suos imppetuum Et alius idem Georgius
concessit pro se & heredibus suis quod ipsi war-
rent predicto Matheo & heredibus suis predicta Ho-
nozem Manerium & Tenementa cum pertinentiis
ac Advocationem predictam contra predictum
Georgium & heredes suos imppetuum Et insuper
idem Johannes concessit pro se & heredibus
suis quod ipsi warrent predicto Matheo & heredibus
suis predicta Honorem Manerium & Tenementa
cum pertinentiis ac Advocationem predictam contra
predictum Johannem & heredes suos imppe-
tuum Et etiam idem Willus Whithlorke
concessit pro se & heredibus suis quod ipsi war-
rent predicto Matheo & heredibus suis predicta Hono-
rem

rem Manerium & Tenementa cum p̄t̄n ac
Advocationem p̄dictam contra p̄dictum Will
lium Whitlocke & heredes suos impe
tuum Et p̄ hac &c.

Capit & cognit &c. ut supra.

A Fine *sur Concessit* for ninety nine years (if the
Wife of the first Cognizor so long live) of
a Mannor, Burrough, Messuages, Tofts, Mills,
Gardens, Land, Meadow, Pasture, Wood,
Furze and Heath, Rent, Common of Pasture
for all Cattle, a Rectory, and the Advowson
of a Church.

Wiltes' ff. **P**Recipe R. H. Militi & H. uxori
ejus J. M. Arm & R. C. Arm
qd̄ juste &c. teneant J. W. Gen Conventi
tionem &c. de Manerio de W. B. als W. B.
cum p̄t̄n ac de Burgo de W. B. als W. B.
Pecnon de ducentis Mesuagiis quadraginta
Tofts duobus Molendinis ducentis Carbo
nis mille Acris Terre ducentis Acris P
tribus mille Acris Pasture triginta Acris
Volci octingentis Acris Jampnoz & Buzen
decem librat decem & novem solidat novem
denariat & uno obulat Reddit & Communia
pasture p̄ omnibus Agilis ad p̄t̄n in W
ton Basset alias Wotton Velus Broad Vin
ton Cleve Pipard Toskenham East Tos
kenham West Toskenham Brinckworth
Lydiard Gregole Swindon & Foresta de
Wraydon Acetiam de Rectorio de Wotton
Basset alias Wotton Velus cum p̄t̄n ac
de

de Advocatione Ecclesie de Wotton Basset
alias Wotton Metus Et nisi &c.

Et est Concordia talis scilicet quod predicti
R. H. & H. J. & R. C. concesserunt predicto
J. W. predicta Manerium Burgum Tenementa Reddit Communiam pasture & Rectoriam cum pertinenti ac Advocationem predictam habendam & tenendam eidem J. a Festo Natalis Domini usque preficit usque finem termini nonaginta & novem annorum ex tunc prior sequendum & plenarie complendum si predicta H. tam diu vixerit) Reddendo inde annuatim predictis J. H. & R. C. & heredibus ipsius J. unum grand Piperis ad Festum Sancti Mich Arch-
Angeli annuatim solvendum toto termino predicto si petatur (si predicta H. tam diu vixerit) Et predicti R. H. & H. & heredes ipsius R. war predicto J. W. predicta Manerium Burgum Tenementa Reddit Communiam pasture & Rectoriam cum pertinenti ac Advocationem predictam sicut predictum est toto termino predicto (si predicta H. tam diu vixerit) Et predictus J. H. & heredes sui war predicto J. W. predicta Manerium Burgum Tenementa Reddit Communiam pasture & Rectoriam cum pertinenti ac Advocationem predictam sicut predictum est toto termino predicto (si predicta H. tam diu vixerit) Et ulterius idem R. C. & heredes sui warant predicto J. W. predicta Manerium Burgum Tenementa Reddit Communiam pasture & Rectoriam cum pertinenti ac Advocationem predictam sicut predictum est toto termino predicto

L

predicto (si predicta D. tam diu vixerit) et
pro hac &c.

Capt & cognit estabo die De-
cembꝛis Anno Regni Regis Ca-
roli secundi vicesimo scdo coram
nobis

Anglesey,
Gilbert Gerard,
Tho. Banks.

Virtute Commissi-
onis de Deb Po
Teste 22 Junii An-
no 22 supradicto.

A Precipe of a Mannor, Messuages, Mills,
Dove-house, Gardens, Land, Meadow, Pas-
ture, Wood, Furze and Heath, Rent, Park
Warren, View of Frank Pledge, a Rectory
and the Advowson of a Church

Leic' sh. **P**recipe Johanni Pretyman
ronetto Georgio Pretyman
ronetto & Elizabethæ uxorī ejus Edwardi
Hungerford Militi Balnei Thomas Do-
man Militi & Margerite uxorī ejus Will-
m Pretyman Arm & Johanni Porris Ge-
nō jussu &c. teneant Thome Waller servitū
ad Legem & Rictho Smith Gen Conventi-
nem &c. de Manerio de Loddington cum
tū ac de quinquaginta Mesuagis duobus
Molendinis uno Columbar quinquaginta
Gardinis mille Acris Terre quadringenta
Acris Prati octingentis Acris Pasture du-
centis Acris Bosci centum Acris Lampn-
& Buere centum solidat Reddit Liben-
Warennā Vis Franc pleg cum pūm in
Lod

Loddington Wilton Laund & Wadborough
alias Wadborough. Pecnon de Rectoria de
Loddington cum pñd. Ac etiam de Advocas-
sione Vicarie Ecclesie de Loddington Et
hisi &c.

Et est Concordia talis scilicet quod pñditi
Johannes Pretymman Georgius & Elizabetha
Edwardus Thomas Doleman & Margeria
Willielmus & Johannes Morris recognov-
erunt pñdita Manerium Tenementa Reddit Libera-
m Marennam Vis Franc pleg & Rectoriam
cum pñd ac Advocacionem predictam esse
suis ipsius Thome Waller ut illi que iidem
Thomas & Ricardus habent de dono predicto-
rum Johannis Pretymman Georgii & Eliza-
berthe Edwardi Thome Doleman & Mar-
gerie Willielmi & Johannis Morris Et illi
remiserunt & quiete clamaverunt de se & he-
redibus suis predictis Thome Waller & Ri-
cardo & heredibus ipsius Thome imppetuum
Et preterea idem Johannes Pretymman con-
cessit pro se & heredibus suis quod ipsi war-
rant predictis Thome Waller & Ricardus & heredi-
bus ipsius Thome predicta Manerium Te-
nementa Reddit Libera Marennam Vis
Franc pleg & Rectoriam cum pñd ac Ad-
vocacionem predictam contra predictum Jo-
hannem Pretymman & heredes suos imppe-
tuum Et ultimus iidem Georgius & Eliza-
bertha concesserunt pro se & heredibus ipsius
Georgii quod ipsi warant predictis Thome
Waller & Ricardus & heredibus ipsius Thome
predicta Manerium Tenementa Reddit Li-
beram

heram Warennam Vis Franc pleg & Redoziam cum pertin ac Advocationem predictam contra predictos Georgium & Elizabetham & heredes ipsius Georgii imppetuum Et insup idem Edwardus concessit pro se & heredibus suis quod ipsi warant predictis Thome Waller & Richo & heredibus ipsius Thome predicta Panerium Tenementa Reddit Liberam Warennam Vis Franc pleg & Redoziam cum pertin ac Advocationem predictam contra predictum Edwardum & heredes suos imperpetuum Et etiam idem Thomas Doleman & Margeria concesserunt pro se & heredibus ipsius Thome quod ipsi warant predictis Thome Waller & Richo & heredibus ipsius Thome predicta Panerium Tenementa Reddit Liberam Warennam Vis Franc pleg & Redoziam cum pertin ac Advocationem predictam contra predictum Thomam Doleman & Margeriam & heredes ipsius Thome imppetuum Ac etiam idem Willielmus concessit pro se & heredibus suis quod ipsi warant predictis Thome Waller & Richo & heredibus ipsius Thome predicta Panerium Tenementa Redditum Liberam Warennam Vis Franc pleg & Redoziam cum pertin ac Advocationem predictam contra predictum Willielmum & heredes suos imperpetuum Et deniqz idem Johannes Morris concessit pro se & heredibus suis quod ipsi warant predictis Thome Waller & Richo & heredibus ipsius Thome predicta Panerium Tenementa Redditum Liberam Warennam Vis Franc pleg & Redoziam

coram cum p[re]iud ac Advocationem p[re]dicta
contra p[re]dictum Johannem Morris & heredes
nos imp[er]petuum Et p[er] hac &c.

Capit & cognit per sup[ra]no-
minat Johannem P[re]tyman
Georgium P[re]tyman & E-
lizabetham uxor[em] ejus Co-
wardum Hungerford Wil-
helmum P[re]tyman & Jo-
hannem Morris quarto die
Augusti Anno Regni Regis
Caroli secundi vicesimo se-
cundo coram

Georg' Lulls,
Will' Belke.

Capit & cognit per sup[ra]-
nominat Thomam Dole-
man & Margeriam uxor[em]
ejus decimo octavo die Au-
gusti Anno Regni Domini
Caroli secundi nunc Regis
Anglie &c. vicesimo secundo
coram nobis

Rich' Pocock,
Phill' Kiffell.

Virtute Commissio-
nis de Dedimus Po-
testatem Teste 22 die
Julii Anno 22 sup[ra]-
dicto.

A Fine from eight Cognizors to two Cognizees, of a Mannor, Messuages, Cottage Barns, a Dove-house, Gardens, Orchard Land, Meadow, Pasture, Furze and Heath Rent, Free Fishing, and the Advowson of a Church, with special Warranty by the first Cognizor and his Wife, against them and the Heirs of the Husband, and against the Heirs of his Brother and Father, and against all other claiming against them the said Husband and Wife, Brother and Father, or either of them (the other Cognizors warranting generally against them and their Heirs.)

Buck. ff. **P**recepto Willielmo Tyzingham Militi Balnei & Saxe uxori eius Henrico Wright Armigero Johanni Pechinson generoso Johanni Bathurst Armigero Nicholao Lanyon Armigero & Dorothee uxori eius & Edwardo Backwell Armigero quod iuste &c. teneant Johanni Morris Generoso & Richardo Mountney Juniori Generoso Conventionem &c. de Manerio de Tyzingham cum pertinentiis ac de quinque Mesuagiis quinque Cotagiis quinque Horeis uno Columbar quinque Gardinis quinque Pomariis quadringentis Acris Terre ducentis Acris Prati octingentis Acris Pasture tribus Acris Bosci centum Acris Tampionum & Buere & quadraginta solidat Redditi cum pertinentiis in Tyzingham Pecnon de

de libera Piscaria in Aqua de Dulse cum p^{re}
s^{ent} in Tyzingham Acetiam de Advocatione
Ecclesie de Tyzingham Et nisi &c.

Et est Concordia talis scilicet quod predicti
Willielmus & Sara Henricus Johannes
Hutchinson Johannes Bathurst Nicholaus
& Dorothea & Edwardus recognoverunt pre-
dicta Manerium Tenementa & Piscariam
cum pertinen^{tiis} ac Advocationem predictam esse
suis ipsius Johannis Morris ut ill^{is} que iidem
Johannes & Richardus habent de dono pre-
dictorum Willielmi & Sare Henrici Johan-
nis Hutchinson Johannis Bathurst Nicholai
& Dorothee & Edwardi Et ill^{is} remiserunt
& quiete clamaverunt de ipsis Willielmo &
Sara Henrico Johanne Hutchinson Johanne
Bathurst Nicholao & Dorothea & Edwardo
& heredibus suis predictis Johanni Morris
& Richardo & heredibus ipsius Johannis im-
perpetuum Et preterea iidem Willielmus
& Sara concesserunt pro se & heredibus ip-
sius Willielmi quod ipsi war predictis Jo-
hanni Morris & Richardo & heredibus ipsius
Johannis predicta Manerium Tenementa &
Piscariam cum pertinen^{tiis} ac Advocationem
predictam contra predictos Willielmum &
Saram & heredes ipsius Willielmi ac contra
heredes Johannis Tyzingham Militis Fra-
tris predicti Willielmi & Thome Tyzing-
ham Militis Patris predicti Willielmi de-
functorum Ac contra omnes alios claman-
tes per predictos Willielmum & Saram Jo-
hannem & Thomam aut eorum alterum im-

perpetuum Et ulterius idem Henricus concessit pro se & heredibus suis quod ipsi war' predictis Johanni Morris & Richardo & heredibus ipsius Johannis predicta Manerium Tenementa & Piscariam cum ptinen' ac Advocationem predictam contra predictum Henricum & heredes suos imperpetuum Et insuper idem Johannes Hutchinson concessit pro se & heredibus suis quod ipsi war' predictis Johanni Morris & Richardo & heredibus ipsius Johannis predicta Manerium Tenementa & Piscariam cum ptinen' ac Advocationem predictam contra predictum Johannem Hutchinson & heredes suos imperpetuum Et etiam idem Johannes Bathurst concessit pro se & heredibus suis quod ipsi war' predictis Johanni Morris & Richardo & heredibus ipsius Johannis predicta Manerium Tenementa & Piscariam cum ptinen' ac Advocationem predictam contra predictum Johannem Bathurst & heredes suos imperpetuum Et etiam idem Nicholas & Dorrothea concesserunt pro se & heredibus ipsius Nicholai quod ipsi warant' predictis Johanni Morris & Richardo & heredibus ipsius Johannis predicta Manerium Tenementa & Piscariam cum ptinen' ac Advocationem predictam contra predictos Nicholaum & Dorrotheam & heredes ipsius Nicholai imperpetuum Et denique idem Edwardus concessit pro se & heredibus suis quod ipsi war' predictis Johanni Morris & Richardo & heredibus ipsius Johannis predicta Manerium Tenementa & Piscariam cum ptinen' ac Advocationem

rationem predictam contra predictum Edwardum & heredes suos imperpetuum Et pro hac &c.

Capt & cognit p supranominatos Nicolaum Lanyon & Dorothyam urorem ejus decimo nono die Martii Anno Regni Domini Caroli scdi nunc Regis Anglie &c. vicesimo scdo coram nobis

Roberto Clayton,
Wilhelmo Belke.

Capt & cognit p supranominatos Willielmum Tyngsham & Saram urorem ejus Johannem Bathurst & Edwardum Backwell vicesimo scdo die Junii Anno Regni Regis Caroli scdi vicesimo scdo coram nobis

Roberto Clayton,
Richardo Marryot.

Capt & cognit p supranominatos Henricum Wright & Jochem Hutchinson primo die Julii Anno Regni Regis Caroli secundi vicesimo secundo coram nobis

Roberto Clayton,
Wilhelmo Belke.

Virtute Commissionis
de Deditus Potestas
tem Teste nono die
Martii Anno 22 sus
pradicto.

A Fine of divers Mannors, Messuages, Garden Land, Meadow, Pasture, Wood, Furze and Heath, Courts Leet, Courts Baron, View Frank-Pledge, Rectories, Tythes, Oblations, Pensions, Portions, and the Advowsons of several Churches. With five Warranties and four Captions.

Lincoln. ff. **P**recipe Georgio Duci Buckingham & Marie uxorī ejus Rinaldo Grahine Armigero Georgio Willelmo Militi Balnei & Elizabethē uxorī ejus Johanni Morris Armigero & Robto Clayne Generoso qđ fuisse &c. teneant Thome R. Generoso & Willelmo Welke Generoso Conventionem &c. de Maneriis de Wragby Terrington cum p̄tid ac de decem Mesuagii decem... Gardinis trescentis Acris Terre quadraginta Acris p̄tati ducentis Acris pastur centum Acris Bosci trecentis Acris Jarmanorum & Buere Cur Let Cur Baronum &c. Willelmo Franc p̄leg cū p̄tid in Wragby Harwick Cast Terrington West Terrington Houghton als Holton cū Weckering Trebut Panton & Barkwith Acetiam de Rectoriis de Wragby & Terrington cum p̄tati Pecunia de omnibus & omnimodis Decimis Oblationibus Pensionibus & Portionibus annuatim proveniēti crescenti seu renovati in Wragby Terrington Ac de Advocacionibus Ecclesiarum de Wragby & Terrington Et nisi &c.

Et est Concordia talis scilicet quod predictus Dux
 & Maria Ranaldus Georgius & Elizabetha
 Johannes & Robertus recognoverunt predicta
 Maneria Tenementa Cur Leet Cur Baron
 Milia Franc' pleg & Rectorias cum pertin
 ac Decimas Oblationes Pensiones & Porti
 ones ac Advocaciones predictas esse suas ipsius
 Thome ut illi que iidem Thomas & Will
 elmus habent de dono predictorum Ducis &
 Marie Ranaldi Georgii & Elizabetha Johannis
 & Roberti Et illi remiserunt & quiete clama
 verunt de ipsis Duce & Maria Ranaldo Georg
 & Elizabetha Johne & Roberto & heredibus
 suis predicti Thome & Willo & heredibus ip
 sius Thome imperpetuum Et preterea iidem
 Dux & Maria concesserunt pro se & heredibus
 ipsius Ducis quod ipsi war predicti Thome &
 Willo & heredibus ipsius Thome predicta
 Maneria Tenementa Cur Leet Cur Baron
 Milia Franc' pleg & Rectorias cum pertin ac
 Decimas Oblationes Pensiones & Portiones
 ac Advocaciones predictas contra predictum Ducem &
 Mariam & heredes ipsius Ducis imperpetuum
 Et ulterius idem Ranaldus concessit pro se &
 heredibus suis quod ipsi war predicti Thome &
 Willo & heredibus ipsius Thome predicta Ma
 neria Tenementa Cur Leet Cur Baron
 Milia Franc' pleg & Rectorias cum pertin ac
 Decimas Oblationes Pensiones & Portiones
 ac Advocaciones predictas contra predictum Ra
 naldum & heredes suos imperpetuum Et in
 sup idem Georgius & Elizabetha concesses
 runt pro se & heredibus ipsius Georgii quod ipsi war pro
 Thome & Willo & heredibus ipsius Thome pro Maria
 Tene

Tenementa Cur' Let Cur' Baron' Wi's Franc' pleg' & Rectorias cum p'tin' ac Decimas Oblationes Pensiones & Portiones ac Advocationes p'dict' contra p'dict' Georgium & Elizabetham & heredes ipsius Georgii imp'petuum Et etiam idem Johes concessit pro se & heredibus suis q'd ipsi war' p'dict' Thome & Willo & heredibus ipsius Thome p'dict' Maneria Tenementa Cur' Let Cur' Baron' Wi's Franc' pleg' & Rectorias cum p'tin' ac Decimas Oblationes Pensiones & Portiones ac Advocationes p'dict' contra p'dictum Johnem & heredes suos imp'petuum Et idem Robertus concessit pro se & heredibus suis quod ipsi war' p'dictis Thome & Willo & heredibus ipsius Thome p'dicta Maneria Tenementa Cur' Let Cur' Baron' Wi's Franc' pleg' & Rectorias cum p'tin' ac Decimas Oblationes Pensiones & Portiones ac Advocationes p'dictas contra p'dictum Rob'tum & heredes suos imp'petuum Et pro hac &c.

Cap't & Cognit' per supranominatos
Ducem & Mariam ux' ejus vicesimo
sc'do die Junii Anno Regni Regis
Car' Sc'di vicesimo sc'do coram

Edwardo Christian,
Georgio Lulls.

Cap't & cognit' p' sup'nominatos Jo-
hem Morris & Rob'tum Clayton
eisdem die & Anno coram

Philippo Kistel,
Georgio Lulls,

Cap't

Capit & cognit per supranominatum
Ranaldum Grabine vicesimo octa-
vo die Junii Anno vicesimo secundo
supradicto coram

Georgio Lulls,
Tho. Mayhew.

Capit & cognit per supranominatos
Georgium Brown & Elizabetham
uxorem ejus primo die Julii Anno
vicesimo secundo supradicto coram
nobis

Philippo Kistell,
Tho. Pearse.

Note, In a Recovery upon this Fine the De-
mandant counted ----- quod fuit seisit
de Maneriis Tenementis Cur Let
Cur Baron Milis Franc pleg & Recto-
riis predictis cum pertinent ac de De-
cimis Oblationibus Pentionibus &
Portionibus predictis in dominio suo
ut de feodo & jure Ac de Advocatis-
onibus predictis ut de feodo & jure
&c. And the Warranties were----- Et
gratis Maneria Tenementa Cur Let
Cur Baron Milis Franc pleg & Recto-
rias predict cum pertinent ac Decimas
Oblationes Pentiones Portiones & Ad-
vocationes predict ei war &c.

A Fine upon two Writs of Covenant

Of a great number of Mannors, several Hundreds, many Mesuages, divers Mills, Dovehouses, Gardens, great quantities of Land, Meadow, Pasture, Wood, Furze and Heath, More, Marsh, Alder, Land covered with Water: Of Rent, Free Fishing, Liberty of Foldage, Courts Leet, View of Frank-Pledge, Of a Rectory and the Advowsons of several Churches in *Suffolk*. And

Of several Mannors, Messuages, Mills, Dovehouses, Gardens, Land, Meadow, Pasture, Wood, Furze and Heath, More, Marsh, Alder, Rent, Free Fishing, Liberty of Foldage, View of Frank-Pledge, a Rectory, and the Advowsons of a Church, and the Vicaridge of a Church in *Norfolk*.

Suff. N. **P**recipe Willo Deveningham et Marie uxori eius qđ iuste et. tenent Brianus Cokayne Armig Vicecomes Cullen in Regno Hibernie Radulphus Barchinensis Militi Tho. Fanchawe Militi Balnei Cantie Pit Ar & Carolo Cornwallis Ar Con et. de Maneriis de Wilton Hockwolde cum Wilton alias Wilton cum Hockwolde Ponynge alias Wilton Ponynge alias Hockwolde Ponynge alias Wilton Scales alias Wilton Scales alias Hockwolde Scales Muntfordes alias Holche wolde Muntfordes alias Wilton Muntfordes Stewkeis Stynton Lowstoft alias Leystoft Cast.

Eastlæt Westlæt Northlæt Southlæt Coz
 Westone Mutford Carleton Bromeholme in
 Carleton Colvile Hensted alias Blunston
 Savages Hensted Blundeston alias Blun-
 stons Hensted alias Hensteds Perpounds
 alias Poynings Fritton alias Freton alias
 Fretons Pastons Wyndeston alias Gunviles
 alias Scroopehal alias Gunviles' Blunston
 Heveningham Walpool Tippetton alias Ab-
 beston Cookely Sybton Hall & Chickeringe
 et perrin Ac de Hundredis de Lothingland
 & Mutford cum perrin Acetiam de centum
 Deluagiis duobus Polendinis duobus Co-
 lumbar' centum Gardinis cribus mille sex-
 centis & quinquaginta Acris Terre quingen-
 tis Acris Prati quingentis Acris Pasture
 quadringentis & septuaginta Acris Wolci
 trescentis Acris Campnozū & Bzucere tres-
 centis Acris Poze mille Acris Parisci cen-
 tum Acris Alneti octoginta Acr' Terre aqua
 cooperte decem Librat' Reddit libera Wilca-
 ria Libertat' duorum Faldagiorum Cur' Let
 & Mis Franc' pleg' cum perrin in Brandon
 Lakenheath Hensted Blundeston als Blun-
 ston Wzenham Fritton alias Freton We-
 nacre alias Wenaker Wellingham Southcove
 Frostendon alias Frostenden North Vales
 Roydon Aggeshal Stoben Rushmer Redham
 magna Redham parva Beccles Somerlepton
 alias Somerly Town Hopton Olton Coz-
 ron Flixton Lounde Welton Herringlæt
 Gunton Lowstoft Ashley Bradwel Burrough
 Corlestone Sotterly Weston Northcove
 Askwaby Gilleham Barnaby Wakefield Bir-
 by

by alias Kirkley Branby Castle Southton
Shadingfield Ellow Willingham Devenin
ham Walpool Uppestone alias Abbest
Cookley Sybton Chickering Hunteinghe
Larfield & Peaseval Pecnon de Advocati
nibus Ecclesiarum de Hensted Blundest
alias Blunston Fritton alias Freton & Ca
leton Colbyle Et nisi &c.

Norff. ff. **P**Recipe eisdem quod iuste &c. t
neant eisdem Conventionem
de Pantis de Wilton Hockwolde als Hock
wolde cum Wilton alias Wilton cum Hock
wolde Ponynge alias Wilton Ponynge
alias Hockwolde Ponynge Scales alias
Wilton alias Hockwolde Scales Hunteinghe
des alias Wilton Hunteinghe alias Hock
wolde Hunteinghe Stewkeis Scinton Ket
teringham & Castlings cum pertin. Ac de
centum Mesuagiis duobus Molendinis duobus
Columbar centum Gardinis duobus
mille & quingentis Acris Terre ducentis
sexaginta Acris Prati septingentis Acris
Pasture centum & septuaginta Acris Bosc
trecentis Acris Camporum & Bzuer tre
centis Acris Moze mille Acris Marisci cen
tum Acris Alneti centum Solidat Reddit li
bera piscaria Libertat trium Faldagiorum &
Wiss Franc pleg cum pertin in Hockwolde
Wilton Felthwell Brandon Wering Ket
teringham Hethersett Carleton Cantlowe &
Intwood Acetiam de Rectoria de Kettering
ham cum pertin Pecnon de Advocatione
Ecclesie Sancti Petri in Hockwolde ac Adv
vocatione

Advocatione Vicarie Ecclesie de Ketteringham
Et nisi &c.

Et est Concordia talis scilicet quod pre-
dicti Willus & Maria recognoverunt predicta Maneria
Hundreda Tenementa Reddit Piscarias
Libertat Cur Let Vis Franc pleg & Re-
ctoriam cum pertinen ac Advocationes pre-
dictas esse ius ipsius Bziani ut illi que iidem
Bzianus Radulphus Thomas Edwardus &
Carolus habent de dono predictorum Willi
Marie Et illi remiserunt & quiete clama-
verunt de ipsis Willis & Maria & heredibus
iis predictis Bziano Radulpho Thome Ed-
wardo & Carolo & heredibus ipsius Bziani
imperpetuum Et preterea iidem Willus &
Maria concesserunt pro se & heredibus ipsius
Willi qd ipsi war predicti Bziano Radul-
pho Thome Edwardo & Carolo & heredibus
ipsius Bziani predicta Maneria Hundreda
Tenementa Reddit Piscarias Libertat Cur
Let Vis Franc pleg & Rectoriam cum per-
tin ac Advocationes po contra po Willum &
Mariam & heredes ipsius Willi imperpetuum.

Capit & cognit quincodecimo die No-
vembz Anno Regni Dni nostri
Caroli Scot nunc Regis Anglie &c.
tertiodecimo coram

Jo. Morris,
Tho. Brown.

M

Wirtute

*Uirtute Brevis de Dedimus Potestate
Teste 7 Rob. eod Anno.*

Note. See the Kings's Letter directed to the Justices of the Court of Common-Pleas at *Westminster*, to pass these two Fines in order to the suffering two Recoveries of the same Lands Entred upon a Plea Roll in *Michaelmas Term, Anno 13 Car. 1 Rot. 213.* amongst the Entries of Mr. *Presents* (now Mr. *Townsend*) Office of the Term.

Thus have we set down the several Forms of Fines levied upon a Writ of Covenant, being now mostly or altogether in use; though (as before observed) a Fine may be levied upon a Writ of *Warrantia Chartæ* or a Writ of Right, or a Writ of *Mesne*, or a Writ of Custom and Services, &c. in which Cases the Form is observed, *viz.*

The Writ is served upon the Party that is to acknowledge the Fine, and then he appearing doth accordingly: See *Dyer fol. 179 vu. 46.* See *West sect. 23.*

A Deed to lead the Use of a Fine.

This Indenture made &c. Between *F. H.* of *M.* in the County of *K.* Gentleman, and *S.* his Wife, and *T. A.* of *W.* in the same County Gentleman, and *A.* his Wife of the one part; and *R. S.* of *H.* in the same County Yeoman, of the other part, Witnesseth, That it is covenanted, granted, concluded, condescended and agreed by and between the said Parties to these present Indentures, in manner and form following (that is to say) First, That the said *F. H.* and *S.* his Wife, *T. A.* and *A.* his Wife; shall and will within the space of six Months next ensuing the Date hereof, by due course of Law acknowledge and levy, unto the said *R. S.* and his Heirs, before the Justices of his Majesty's Court of Common Pleas at Westminster, one Fine Sur Conuzance de droit come ceo, &c. whereupon Proclamations may be had according to the form of the Statute in that Case made and provided; of and for one Messuage or Tenement, one Barn, one Garden, one Orchard, and one piece or parcel of Land thereunto belonging, containing in all by estimation one Acre more or less, situate, lying and being in *M.* in the County aforesaid, and now in the Tenure or Occupation of *I. W.* or of his Assigns, bounding and abutting to the Lands belonging to the Dean and Chapter of Christ-Church Canterbury towards the South and West, to the Lands now or late of *T. H.* towards the East, and to the Kings High-way towards the North. Which

M &

Fine

Fine as aforesaid agreed upon to be levied, shall be levied by the name of one Messuage, one Barn, one Garden, one Orchard, and one Acre of Land, with the Appurtenances in *M.* in the County aforesaid, or by such other apt or fit name or names as shall be thought fit and convenient. And it is hereby further covenanted, granted, concluded, condescended and agreed by and between the said parties to these Presents, that the said Fine as aforesaid agreed upon to be levied by the Name aforesaid, or by what other Name or Names soever, or in what other manner and form soever shall be and endure. And also the said *R. S.* and his Heirs shall stand and be seized of the Premises aforesaid, and of every part and parcel thereof, to the only use and behoof of the said *R. S.* his Heirs and Assigns for ever, and to no other uses, intents or purposes whatsoever. In Witness, &c.

*Of the Effect and Operation of
Fines.*

WE now come to consider the Effect and Operation of Fines, wherein it is to be noted, That a Fine at this day is a final End which doth conclude, bar and discharge for ever, as well Parties as Privies, and Estrangers to the same.

Except

Except	<p>Women Covert, (other than such as be Parties.)</p> <p>Persons being within the Age of 21. at the time of levying thereof.</p> <p>Persons in Prison, or out of the Realm. And</p> <p>Persons of unsound Mind.</p>	<p>These and their Heirs have 5 years time to pursue their Right after these Imperfections be removed.</p>
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These are excepted, not being Parties to such Fines. *Quod nota.*

Saving also to Estrangers to such Fines, such Right, Title, Claim and Interest, as they have to the Land contained in the Fine at the time of the Ingrossing thereof; so that they, or their Heirs, pursue the same by Action or lawful Entry within five years after Proclamations thereupon made according to the Statutes. And saving to all other Persons such Action, Right, Title, Claim and Interest in or to the Land, as

Here an Action is maintainable against the Person of the Profits.

first shall grow, descend, remain or come after the Fine ingrossed, and Proclamations made, by force of any Cause or Matter had or made before the Fine levied, so that they pursue their Action, Right or Title within five years next after that it to them accrued. See the Stat. of Fines, 18 Ed. 1. 4. 34 Ed. 3. 16. 1 R. 3. 7. H. 7. 24. 32 H. 8. 36.

Here also the Action is maintainable against the Person of the Profits.

For the Explication of these Statutes observe :

Parties to the Fine how barred.

That the Persons to be barred by a Fine are the Parties to the Fine, the Privies and Estrangers.

The Parties are really barred, although they

be Ideots or *Non compotes mentis*. *Co. Lit.* 247.
Co. Inst. 2d Part 516.

So the Fines of Men that have the Lethargy, old doting Persons, drunken Men, &c. (though they ought not to be received, yet) being received, are unavoidable and binding. *17 Ed. 3. 5. 78. 17. Ass. 17. Plowd. 368. 4 Co. 124.*

Infant party.

The Parties themselves to the Fine (if they be of the Age of 21 years) are for ever bound up by the Fine, and have no time given them to Claim to avoid it: But an Infant is preserved during his Minority; so that if he pass away his Estate by Fine, it may be reversed at any time during his Minority, but not afterwards. *17 Ed. 52. 78. 59 Ed. 3. 5. 2 Bulstr. 320.*

Such as are blind, deaf or dumb naturally or accidentally, if they can express their mind in writing, may in some cases be barred by their own, or by the Fines of another Man.

Privies how barred.

Privies who.

PRIVIES, being Heirs and Executors to the Parties (void of Impediment at the time of the Fine levied or not) if they claim by the same Title that their Ancestor had that levied the Fine, are barred for ever by the Fine.

Privies in Blood.

And by Privies also are understood Privies in Blood, not only the Heir at the Common Law, but Heirs by Custom, as Burrough English, Gavelkind, and the like, who claim as Heirs by Custom. But by Privies are not intended such Privies

Privies in Estate, as are Joynt-Tenants, Donor and Donee, Lessor and Lessee, or the like, 2 Co. Inst. 516.

That the Son shall never have remedy upon a Fine levied in the time of his Father, and the five Years after the Proclamations passed, but in case where the Right begins first to be a Right in the Son, *Poph. Rep.* 113. *Plow.* 369.

Privies or Heirs in Estate and Blood, as he that is Heir to him, to whom the Land doth or should descend, are within these Statutes, and shall be barred by the Fine of their Ancestor of that Land: And so also shall Privies in Estate, that are not Privies in Blood, as where one hath Land in Burrough English, and levies a Fine of it, hereby the younger Son is barred.

If my Father disseize my Grandfather of an Estate in Fee, and thereof levy a Fine with Proclamations, and first my Grandfather, and then my Father dye, I am now barred as privy, for that I cannot otherwise convey my self to the Lands than as Heir to my Father the Conusor, *Dyer* 3.

But one that makes his Title as Heir by another and not by him that levied the Fine, may not be barred. 1 *Crook* 377.

Also he that is privy in Blood only, and not in Estate also, is not within these Statutes, neither shall he be barred by the Fine. As if Lands be given to a Man and the Heirs Females of his Body, and he hath a Son and a Daughter, and the Son levy a Fine and die without Issue, this is no Bar to the Daughter; for though she be Heir to his Blood, yet she is no Heir to the Estate.

A Son's Remedy.

Privies in Estate and Blood barred by the Fine of the Ancestor.

Disseisor:

Title by another and not by the Conusor.

Heir in Blood

state, nor hath she need to make her Conveyance to it by him; but if the Father had levied it would have been otherwise, *Trin. 21 Jac. C. B. Godfrey's Case.*

If Husband and Wife Tenants in special Tail have Issue and the Wife die and the Husband marry another Wife and have Issue, and levy Fine *Sur Cognizance de droit come ceo*, &c. and by the same Fine take an Estate in special Tail the Remainder over, &c. and dye: In this Case the Issue by the first Wife is barred, for that he is privy in Blood notwithstanding the Continuance of Possession in the Husband, *Dyer 354.*

So if Lands be given to Husband and Wife in special Tail, the Remainder to the right Heir of the Husband in Fee, and he alone levies the Fine with Proclamations of it: By this the Issue in Tail may be barred; for he cannot otherwise convey himself to the Tail, and descent in Tail than as Heir of the Body of Father and Mother, *Dyer 3. 251. Bro. Fines 109.*

Estrangers barred and who.

~~Such~~
~~Persons~~
~~as~~
~~are~~
~~to~~
~~be~~
~~concluded~~
~~by~~
~~a~~
~~Fine~~
~~are~~
~~all~~
~~Persons~~
~~whatsoever~~
~~that~~
~~either~~
~~have~~
~~present~~
~~Right~~
~~and~~
~~no~~
~~Impediment~~
~~who~~
~~are~~
~~barred~~
~~by~~
~~five~~
~~years~~
~~after~~
~~Proclamations~~
~~if~~
~~they~~
~~make~~
~~not~~
~~their~~
~~Claim~~
~~within~~
~~that~~
~~time~~
~~and~~
~~so~~
~~as~~
~~well~~
~~Tenant~~
~~for~~
~~years~~
~~Tenant~~
~~by~~
~~Statute~~
~~Merchant~~
~~and~~
~~Staple~~
~~Copyholders~~
~~and~~
~~Customary~~
~~holders~~
~~as~~
~~Tenant~~
~~of~~
~~Free~~
~~hold~~
~~and~~
~~Inheri~~

Such Estrangers as are to be concluded by a Fine, are all Persons whatsoever, that either have present Right and no Impediment, who are barred by five years after Proclamations, if they make not their Claim within that time, and so as well Tenant for years, Tenant by Statute Merchant and Staple, Copyholders and Customary-holders, as Tenant of Free-hold and Inheri-

*affect bond
by a stranger
cannot bar*

Inheritance, if they be out of Possession or Seisin at the time of the Fine levied, are barred; or a Fine levied by a Stranger (by the Common Law) cannot bar him that is in Possession, *Co. Inst.* 517.

Or they are such as have present Right, and have Impediments, as Infants, Persons in Prison, *Non sanae memoriae*, &c. And these are barred if they make not their Claim, &c. within five years after the Impediment removed; And if after Proclamation their Impediments be wholly removed, and afterwards they fall into the like again and die, their Heirs shall not have five years Claim anew; but the first years begun immediately after the first removal shall run on to five years, *Plowd.* 375.

Persons having present Right with Impediments.

Or they are such as have no present but future Right upon Cause precedent; and then such Strangers to Fines being void of Impediments, whose Right or Title cometh or descendeth to them after the Proclamations, have five years after the coming of such Right, *R. 3. 7. 4 H. 7. 24. Plowd.* 378. *a. b.* So he in Remainder or Reversion depending upon an Estate of Free-hold after the Reversion or Remainder accrueth, hath five years to enter; and if he die before Entry, his Heir hath only five years to enter after the death of the particular Tenant, *Plowd.* 374. *a. b.* But if these have Impediments, they shall have five years after the Impediment removed, *Plowd.* 364. *a.*

Persons having future Right and no Impediments.

Or they are such as have neither present nor future Right at the levying of the Fine by reason of any Matter had afore the Fine, whose Right groweth

Future Right with Impediments.

Persons having neither present nor future Right by reason of any Matter had afore the Fine.

groweth either intirely after the Proclamations or partly before, and partly after. And these may enter and claim when they please within the time of Prescription, as if the Father be seized, his Eldest Son being profess'd in Religion, and the Younger Son entreth, and is disseised, and a Fine with Proclamations levied, and after the Eldest Son is deraigned, *i. e.* discharged of his Profession or Religion; it seemeth he is bound to no time, but may claim when he will, *Plowd. 3. Stowel's Case.*

Stowel's Case

Note, If a single Woman, being an Estranger to the Fine, having present Right, take an Husband who suffereth the five years to incur, she is for ever barred, *Plowd. 366. a.*

They that have Right of a Reversion or Remainder expectant upon an Estate Tail or for Life, shall have five years after their Title comes unto them, to make their Claim, *2 Co. Inst. 518.*

Corporations.

Civil Bodies and Corporations having an absolute Estate so as to maintain a Writ of Right, as Major and Commonalty, Dean and Chapter, &c. are barred presently as Privies, and within five years as Estrangers; as if one disseize such a Corporation of Land belonging to it, and after levy a Fine of it with Proclamations, and they claim not, &c. within the five years, they are barred, *Plowd. 537, 538.*

Every Successor for new five years.

But in such Case of a Fine levied by a Disseisor or other, every Successor or Successors, Head of the Corporation shall have a new five years to make their Claim, *Plowd. 539.*

So

So every Officer that hath Land appertaining to his Office, as Parker, Forester, Keeper of a Gaol, &c. will be barred by Non-claim after a Fine levied by a Disseisor, and after five years next after the Proclamations: But the Successor shall not be bound, if he also shall not suffer five years to pass in his time. So that these and Corporations are by their Laches barred only for their own time, *Plowd.* 537.

Deans, Bishops, Masters of Hospitals, Parsons, Vicars, Prebendaries, &c. which may not have a Writ of Right, are not barred by five years; for they are restrained by divers Statutes to levy a Fine to conclude their Successors of such Land as they hold in Right of their Churches, Houses, &c. Nor will the Non-claim of such prejudice their Successors, *Plowd.* 138, 175, 378, 538. *a.* And it is a Rule, That such persons as may not have a Writ of Right, but either a *Furis Utrum*, or *sine assensu Capituli*, are not barred by such Fines, if the Patron and Ordinary join not with them, *F. N. B.* 118.

By the ancient Common Law, he that had Right was to make his Claim, &c. within the year and a day of the Fine levied and the Execution thereof, or he was barred for ever; but this Bar is gone. And if such a Fine without Proclamations be now levied, he that hath Right may make his Claim or Entry, &c. at any time to prevent the Bar, *Co. Lit.* 254, 262.

Spiritual Persons.

The time of Claim from the whole as to Strangers.

The

The Time of Claim.

A Lessee for years shall have five years from the Commencement of his Lease to claim, 2 Cro. 60. He that hath two Titles shall have two five years to make his Claim, *Jenk. Cent. 6. Case 45.* Five years are given after a Remainder doth fail, and five years after the Forfeiture of Tenant for Life, and five years for a Woman to claim her Dower after her Husband's death, *Plowd. 374. Dyer 3. 19 H. 8. 7.* An Infant shall have five years after he comes to his full age, although he was in his Mothers Womb at the time of the Fine levied, *Plowd. 539.* Madmen, &c. have five years after Cure of their Maladies, although the Infirmary happen after the Fine levied, and before the last Proclamation, *Plowd. 339, 367, 375, 377. Dyer 3.* Estrangers out of the Realm at the time of the Fine levied, shall have five years after their return; so also if they were in *England* at the Fine levied, and within the five years be sent in the King's Service and by his Commandment, *Plowd. 366.* If the Party be beyond Sea at the time of the Fine levied, and never return but die there, the Heir shall not be barred at all, *Sir Tho. Cotton's Case, 20 Eliz.* If he be in *Ireland* or *Scotland*, he shall be said to be out of the Realm, 4 H. 7. *Plowd. 367.* They who have divers Defects, have five years after the last Infirmary removed; but if they be divers Impediments, and once wholly

holly removed, and afterwards they fall into
like again and die; the first five years be-
in the Ancestors time shall proceed and be
ckoned to the Heir, and he shall at the end be
und, as the Ancestor should, if he had re-
ain'd free all the five years, *Plowd.* 375.
er 133.

Plow

If he that hath Right be beyond Sea at the
ne and never return, the Heir is not limited to
ne. And so it is of an Infant being Party to
e Fine having present Right, if he dieth in
s Infancy, his Heir is not limited: And so it
of a Person *Non compos mentis* by the Act of
od; or a Man in Prison by the Act of the
aw; or a Feme Covert by her own Act if
e die so, being no Parties to the Fine, 2 Co.
ff. 319, 320. *Plowd.* 366.

Note, That the Estates to be barred by a Fine Of the Estate
e either Estates by Common Law, or by Cu- to be barred.
om, as Copyhold. And those either in Fee
mple, Fee-Tail, for Life, or for Years. The
ates also of Tenants by *Elegit*, by Statute-
erchant and Staple; and the Estates of a
uardian and Executors that are to hold Lands
Debts and Legacies paid, 5 Co. 123. *Saf-*
's Case. 2 Cro. 60. *Goldsb.* 171.

The things whereunto these Statutes do ex- To what
nd are Lands and Tenements only, and not things the Sta-
ents or other Profits aprender out of the Land; tutes extend.
nd therefore if a Fine be levied of a Rent or
Common of Pasture, and he that hath Right doth
ot make his Claim; this is no Bar, 2 Cro. 61.
o if I have Estovers out of the Land, or a Way
over

over the Land, and the like. *Plowd.* 378. 5 Co. 124. *Bro. Fines* 123.

Lessee, &c. how
barred.

If Lessee for years or Tenant by Statute Elegit be ousted, and a Fine with Proclamations levied, and five years past, they are all barred, *Plowd.* 374.

If one make a Lease for years to begin after the end of another Term of years then in being. The first Lease for years ends; the second Lessee doth not enter, but suffer him in Reversion to enter, and he makes a Feoffment, and levies a Fine with Proclamations, and the five years pass; in this Case this Interest by the second Lease is barred, 5 Co. 123. 2 Cro. 60. 1 Cro. 77.

Lessor and
Lessee.

If Lessee for years be ousted, and by it the Lessor disseised, the Disseisor levy a Fine, and five years pass with Proclamations without Claim: In this Case the Lessor and Lessee both are barred, 2 Cro. 60. Co. 3. 77. *Fermor's Case*.

Copyholder
and Lord.

If one enter upon and put out a Copyholder in Fee of Land, and levy a Fine thereof, and the Copyholder suffer five years to pass without Claim, &c. the Copyholder and the Lord both are hereby barred for ever. And yet if a Copyhold Estate be granted to one for Life, and Remainder to another for Life, and the first Copyholder taketh a Bargain and Sale of the Freehold from the Lord, and then levies a Fine with Proclamations and five years pass, by this the Copyhold Estate in Remainder is not barred. *Brownl.* 2d part 153.

Lessor, Lessee.

And if a Lease made for years, and the Lessor or another, before the Entry of the Lessee levy

by a Fine with Proclamations, and the Lessee
 shall not make his Claim within five years, by
 which the Lessee is barred of his Interest for ever,
 3 Co. 124. 9. 106. *Goldsb.* 171. And the
 right of a Term will be barred by a Fine, if
 the Lessee were or might have ever been in
 possession before the Fine levied, *Hill.* 43 *Eliz.*
More and Atkinson's Case. But if A. be Co-
 holder for Life, the Remainder for Life, the
 Lord bargain and sell, and levy a Fine to B. this
 descendeth to C. who levies a Fine, five years
 without Claim of him in Remainder, this
 is no Bar; Adjudged 3 Co. 104. *Podger's Case.*

Copyholder,

*Concerning the Fines of Husband
 and Wife.*

If the Wife be within Age, and she and her
 Husband levy a Fine of her Land, they may
 Writ of Error reverse it, and it shall be re-
 versed as to both of them, *Leon.* 115, 317.

Wife within
 Age.

A Woman that has an Husband ought not
 to be admitted alone without her Husband in
 any Case to levy a Fine: But if without her
 Husband she be admitted to levy a Fine of her
 own Lands, wherein she hath Fee-simple, the
 Husband may avoid it by Entry or otherwise
 during her Life, (or if he be Tenant by Curtesie,
 he may do it after her Death.) but if he do not,
 it is a good Fine, and will bind her and her Heirs
 for ever.

Wife levies a
 Fine of her
 own Land
 without her
 Husband.

Except she be an Infant at the time of the
 Fine levied, and her Husband happen to dye
 during

Exception.

during her Minority ; For in this Case (if it be not a Fine *sur* Grant and Render to her in Tail or for Life) she may avoid it during her Minority : And yet if in this Case the Coverture continue till her full Age, she may not avoid it unless her Husband joyn with her in it.

Husband and
Wife together.

But the Husband and Wife together either dispose of her own Land, or to bar her of any Joynture or Dower upon her Husbonds Land may and ought to be received to levy any Fine as any other Man or Woman may do, 12 Co. 122. 7. 8. 27 Aff. 51. Co. Inst. 3d part 518. Hughs Rep. 940.

Husband levies a Fine of the Wifes Land without her.

If the Husband without the Wife levy a Fine of the Wifes Lands, she and her Heirs may avoid it after his Death ; but if she do not make her Claim, &c. within five years after her Husbonds Death, then she is barred of her Right for ever notwithstanding the Stat. 32 H. 8. and so are her Heirs barred for ever, as is said there Dyer 72. Plowd. 373. Lit. Sect. 731.

Husband levies a Fine of his own Lands and dyes.

Bar of Dower.

If the Husband levy a Fine of his own Land and die, and his Widow having no Impediment doth not make her Claim within five years after his Death, hereby she is barred of her Dower for ever. 2 Co. 93. Dyer 224. Goldsb. 140. Co. Inst. 3. 216. Leon. 3. 221.

Bar of Joynture, but not of Dower.

If a Joynture be made to a Woman after the Coverture, and her Husband and she levy a Fine of it, by this she is without question barred of her Joynture in the Land ; but it is thought that this will be no Bar to her of her Dower in the residue of the Land of the Husband, and especially where that the Fine is *sur Cognizance* de

Le Droit come ceo, &c. Dyer 358. For that the Election to have Jointure or Dower is not given to her till her Husbands death, *Leon. 285.*

The Husband and Wife Tenants in special Tail, the Husband alone doth levy a Fine and she, the Wife may enter, but the Issue is barr'd, *Wife saved, and Issue barred.*
Moor Rep. 28. Case 90.

If Husband and Wife be Tenants in special Tail, and they levy a Fine at Common Law, and take back an Estate to them and their Heirs, by this the Estate Tail is not barr'd, for here she is not examined, and yet against a Fine levied by her self she shall not be remitted, for in this case she is examined. *Lit. Test. 670.* she is not examined but when a Right is to pass from her, *See before.* *Wife not examined, Issue not barred.*

If a Woman during her first Husbands Life Marry a second, and with him, and by his Name knowledge a Fine, it shall not bind her, because she is misnamed, *7 H. 4. 22, 23. Vide ante.* *Two Husbands and levies a Fine with the second.*

And if she levy a Fine with her right Husband by a wrong Christian Name, she is bound by Estoppel during her Life, and the Tenant may plead that she by such a Name levied the Fine, *1 Ass. pl. 11. Brook Fines 117.* *with the first by a wrong Name barred by Estoppel.*

If a Husband make a Feoffment of the Land of his Wife upon a Condition which is broken, the Feoffee levies a Fine, the Husband dieth in the fourth year after the Proclamations, having Issue by his Wife, and after the Wife dies, and five years pass, the Heir is barr'd to enter as Heir to his Father upon the condition, but he shall have five years after the death of his Father, as

N

Heir

Heir to his Mother for her right, *Quand' du Jura in una persona concurrunt æquum est ac essent in diversis*, Plow. 367.

How the first and second saving of the Act shall be construed, See Plow. 370. 3 Co. 86. 91. Plow. 374.

How the Act of the Husband shall bind the Wife.

Forfeiture by the Feme of Jointure, Dower, &c.

No Fine, or other Act of the Husbands only, of or upon any the Lands that are the Inheritance or Freehold of his Wife, during the Coverture between them, shall hurt the Wife, but that she or her Heirs, or such as shall have right to the Land may avoid it; but the Fine of the Husband and Wife together, of her Lands is good and shall bind her and her Heirs, 37 H 8. cap. 28.

She that hath an Estate of the Land that was her Husbands, or any of his Ancestors assured to her for Joynture, Dower, or Intail by her Husband, or any of his Ancestors; may not levy a Fine of this Land to grant a greater Estate thereby than for her own Life; if she do, this will make a present Forfeiture by Stat. 11 H. 7. chap. 20. And if such a Woman accept of a Fine *sur Cognizance de Droit come ceo*, &c. and by the same Fine render back the Land to the Cognizor for 100 years; this is within this Statute a Forfeiture. So if a Woman that hath Title of Dower, will before she be endowed, enter and levy a Fine, this will be within the Statute, and a Forfeiture of her Estate by 11 H. 7. 2 Cro. 689. 2 Leon. 206. But a Lease for 21 years by such a Woman Tenant in Tail, by her Husbands Gift, &c. albeit it be not warranted by 32 H. 8. Yet it seems this is no Forfeiture within 11 H. 7. 2 Cro. 689.

Fines by Tenant for Life, &c.

IF either the Cognizor or Cognizee at the time of the Fine levied be seized of an Estate of Freehold, in Fee-simple, Fee-tail, or for Life, in Possession, Reversion or Remainder, whether the same be by right or wrong, the Fine will be a good Fine as to point of Estate; and therefore if one that is seized of Land in Fee-simple or Fee-tail, general or special, levy a Fine of this Land to a Stranger, this is a good Fine; but if neither of the Parties have any thing in the Land passed, the Fine in many Cases will be void and useless, and it may be avoided by this Plea, *viz.* That neither of the Parties had any thing to do with the Land, 41 E. 3. 14. 22 H. 6. 43. 3 H. 7. 9. 7 H. 8. 4.

The Freehold must be in one of the Parties.

Partes Finis nichil habuerunt, &c.

If a Fine be levied by or to a Tenant for Forfeiture; Life of the Land he doth so hold, this Fine will be good as to the Estate of the Parties to the Fine; but he must take heed of a Forfeiture in this Case. For if a Tenant for Life levy a Fine *sur Cognizance de Droit come ceo*, &c. to a Stranger, or levy a Fine *sur Grant & Release* to a Stranger, to hold to the Cognizee for longer time than for the Life of the Tenant for Life; in this case albeit the Fine be a good Fine, yet this is a Forfeiture of the Estate of the Tenant for Life, whereof he in Reversion or Remainder may take present advantage and enter. But if such a Tenant for

1 Leon. 51.
Forfeiture.

Estate not
changed.

Forfeiture:

Rent.

Grant and
Surrender.

Life levy a Fine *sur Grant & Release*, to hold to the Cognizee for the Life, of Tenant for Life, or grant his Estate by such a Fine to him in Reversion or Remainder, or by Fine grant a Rent out of the Land for longer time than for his own Life, this Fine is good, and there will be no Forfeiture of the Estate of the Tenant for Life by it: So likewise if such a Fine be levied by Tenant for Life to a Stranger, who doth thereby acknowledge all his Right to be in the Tenant for Life, and release, and quitclaim to him and his Heirs, and go no further, This is a good Fine, and no Forfeiture of the Estate of the Tenant for Life, for his Estate is not changed thereby, and it may enure to him in Reversion. But if the Stranger say farther in the Fine, *Come ceo que il ad de son done*, this is a Forfeiture, 27 E. 1. 1. 44 E. 3. 26. 1 H. 7. 5. The same Law is of such Fines for Tenant in Tail after possibility, &c. and Tenant by the Courtesie, 39 E. 3. 16. And yet such a Fine of Rent out of the Land is no Forfeiture.

A Tenant for Life, in Tail after possibility, &c. or in Dower, may not by Fine grant and surrender his Estate to him in Reversion, but he may grant and release it by a Fine, 17 E. 3. 62. 24 E. 3. 26.

That if neither the Cognizor nor Cognizee be seized of any Estate in Freehold, in Possession or Reversion of the Land whereof the Fine is levied, at the time of levying thereof, but have only a Lease for years, or not so much, in this Case the Fine will be of no force as to any Stranger,

Stranger, however it may be good between the Parties themselves to conclude them by way of Estoppel; and therefore if the Lessee for years levy a Fine *sur Cognizance de Droit come* so, this will not be a good Fine because he hath no Franktenement in him, *Jenk. Cent. 6. Case 45.* Estoppel.
No Frank-tenement.

If a Lessee for years, or a Disseisee, or one that hath a Right only to a Reversion or Remainder, levy a Fine to a Stranger that hath nothing in the Land, this Fine will be void, or at least voidable as for or to any Stranger to the Fine; and he that hath cause to except against it, may shew that the Freehold Estate and Seisin of the Land was in another before, and at the time of the Fine levied, and that *Partes Fines nichil habuerunt tempore levationis Fines*, and by this avoid the Fine; and yet a Disseisor may levy a Fine to a Stranger that hath nothing in the Land, and this will be a good Fine, for he hath the Fee-simple by wrong in him; and if the Disseisee suffer five years to pass without Claim, the Disseisee is barr'd, *Plow. 353. 6 Co. 105. 3 Co. 87.* Disseisee levies to a Stranger.
Partes Fines nichil habuerunt.
Disseisor hath Fee-simple by wrong.

Bar by Estoppel, and how.

THIS Fine is sometimes a Bar by way of Estoppel only: It is called an Estoppel where one is concluded and forbidden in Law to speak against his own Act, (albeit it be the truth he would speak) whereby his Mouth is stoppt, and his Hands are bound, that now he cannot

not say or do, that which otherwise he might have said or done; and this may be done by Matter of Record, or by Matter in a Deed, or by Fact in the Country. For this see 2 Co. 4. Plow. 397, 431. Fitz. N. B. 97. 3 Co. 3. 19. 4 Co. Hinds Case. 4 Co. 53. 71. Plow. 434. 21 H. 7. 24. 2 Co. 55. Moor 896. Case 869.

That where a Feoffment will work an Estoppel, there a Fine (which is a Feoffment upon Record) will much more work an Estoppel.

How Estoppels descend,

That Estoppels do always descend upon the Heir General, and upon the Heir at Common Law, and none others; and the Daughter which comes in by a *possessio Fratris* shall escape an Estoppel of the Father, Hob. 31. Co. Inst. 1. 353.

In every Estoppel Privy is required, for it ought to be Reciprocal, viz. To bind both Parties, and therefore regularly a Stranger shall never take an advantage of, nor be bound by an Estoppel, but Privies in Blood, as the Heir, Privies in Estate, as the Feoffee, Lessee, &c. Privies in Law, as the Lord by Escheat, Tenant by the Courtesie in Dower, the Incumbent of a Benefice, and others that come under by Act of Law, or in the Post, shall be bound and take advantage of Estoppels, Co. 1. Inst. 353. See 2 Co. 58. 30 H. 6. 2 Co. 4. 53. Godb. 147.

*Discontinuance**Bar by Discontinuance.*

THIS Fine doth sometimes work a Discontinuance of Land, and the Possession of it.

That is called a Discontinuance, where one that is present Owner of the Land doth grant some larger or greater Estate than he hath, (and thereby doth devert and interrupt the Inheritance or Estate which should or ought to have come to another) and then dieth, and another hath right to have them, but he cannot enter by reason of such Alienation. And there is a Discontinuance in Fact, which is where there is a transmutation of Possession; and in Law, as by Cognizance of Right by Fine; by which, notwithstanding that the Cognizor continue the Possession, yet the other is Tenant in Law, and the Right of the Estate, or of the Tail is discontinued or dissolved, *Lit. 134. sect. 192. Lit. 140. Co. Lit. 325.*

That all Fines and Recoveries suffered by Tenant in Tail, to bar the Estate Tail, are Discontinuances, in which there is no remedy but in case where the Reversion is in the King, *10 Co. 96. See Moor 870.*

And note, That where a Feoffment will make a Discontinuance, there a Fine will much more make a Discontinuance.

Where an Estate is not discontinued, there regularly it is not barr'd by a Fine, *3 Cro. 827. Moor 170.*

Fine works by Remitter.

Remitter what

THIS Fine doth sometimes work by way of Remitter.

A Remitter is a Mans Restitution to his former Right, or where a Man is come to two Titles of Land, and his later is defective, and not so good as his former, he is remitted to the former and better Title, &c.

That no Remitter shall be in Case where there is a Fine or Recovery to hinder it, See *Ca. Lit.* 349.

When it may be.

But if a Tenant in Tail levy a Fine with Proclamations, and after the same is reversed by Writ of Deceit; in this Case the Issue in Tail is remitted, and shall avoid all the Estates made, because the Fine is void between the Parties, 3 *Cro.* 471. *Gary and Dancy.*

See *Moo. Rep. Case* 106. *Plow.* 367. *Moo. Case* 257. *Bendl.* 30. *Herl.* 110.

Extinguishment.

This Fine doth also sometimes work by way of Extinguishment of Rent, &c. reversed: For this See *Moo. Case* 249, 595. *Hob.* 3. 3 *Co.* 51. 9 *Co.* 141. 1 *Bul.* 45. 2 *Cro.* 699. *Dyer* 213.

Forfeiture.

This Fine doth sometimes also work to make a Forfeiture, as is before observed.

Estate in possession put to a Right.

No Fine shall bar any Estate in Possession, Remainder or Reversion, which is not divested and put to a Right at the time of the Fine levied; and therefore if one levy a Fine of my Lands, whilst I am in possession, this will not hurt me, 5 *Co.* 124. 9. 106.

And

And yet, if Tenant in Tail be disseised, or make a Feoffment in Fee, and after levy a Fine with Proclamations to the Disseisor or to a Stranger, by this the Issues in Tail are barred for ever, 3 Co. 90. Fine to Disseisor by Disseisee.

If I have Fee Simple and be disseised, and the Disseisor doth levy a Fine with Proclamations, and I do not claim within five years, by this I and my Heirs are barred for ever of the Land, 6 Co. 105. 3. 85. Co. Lit. 198. But the Heirs of such as have Impediments shall not be barred by Fine levied by Disseisor, Jenk. Cent. 4. Case 97. See 21 Jac. cap. 16. See Plowd. 366. See Poph. 65. Fines by Disseisor to a Stranger.

If an Infant Disseisor make a Feoffment, and the Feoffee levy a Fine with Proclamations, and five years pass; in this Case the Disseisee is barred for ever. But the Infant shall have five years after his full Age to avoid the Fine; and if he enter, yet the Bar against the Disseisee doth continue, Moor Rep. 251, 399. Heirs of such as have Impediments.

If Tenant for Life make a Feoffment in Fee, and the Feoffee levie a Fine with Proclamations, and he in Reversion or Remainder do not make his Claim, &c. within five years at least after the Death of Tenant for Life, hereby he is barred for ever, Plowd. in Stowel's Case. Infant Disseisor.

If a Disseisee levy a Fine to a Stranger, the Disseisor shall hold the Land in this Case for ever. For the Disseisee may not claim the Land against his own Fine, and the Conusee may not enter; for the Right doth not pass, but by the Fine the Right is extinct, whereof the Disseisor may take advantage, 2 Co. 55, 79. But see the con- Feoffment by Tenant for Life, Feoffee levie a Fine.

Fine by Disseisee to a Stranger.

contrary, *March. Rep.* 105. pl. 180. That it sh^d enure meerly by way of Estoppel, and therefore not bind a Stranger.

Disseisor of a
Disseisor.

If a Disseisor be disseised, and a second Disseisor levy a Fine; in this Case, if the first Disseisor enter within the year, this by the Common Law had preserved the Right of the Disseisee; so that in this Case, the Right of one that might have claimed and did not, was preserved, 2 *Co. Inst.* 518.

Disseisin is an unlawful dispossessing of a Man of his Land, Tenement or other Immoveable or Incorporeal Right.

Disseisin is by force, or without force.

Where it is lawful and where not, See *Braill. li. 4. c. 4. Britton c. 42, 43, 44.*

How many ways it is committed, See *Fleta li. 4. c. 1.*

In some Cases an Estate Tail may now be barred, that was not formerly barred; and in some Cases it may not be barred, that formerly might have been barred, *Co. Lit.* 372.

If the Tenant in Tail levy a Fine of the Land entailed with Proclamations according to the Statutes, although this is no Bar to him in Reversion or Remainder claiming in time; yet it is a Bar to the Estate Tail, and to all others that have Right (that are not holpen by the Impediments named in the Statute) not claiming within five years, *Co. Lit.* 372.

Rule.
1.

And it is a Rule, That wheresoever the Issue in Tail doth claim by the same Title, and must make his Conveyance to the Lands by him that levied the Fine, there the Fine will bar him, 9 *Co.* 138. *Dyer* 3354. That

That although the Fine be a double Fine with a Grant and Render ; yet if the Grant and Render be of the Land it self, and not of any profit aprender out of it, it is a Bar, *Co. Lit.*

2.

153.

That although the Tenant in Tail dye before the Proclamations finished, yet this being done, albeit it be after his death, the Issues are thereby concluded, *3 Co. 86.*

3.

That albeit the Issue in Tail be within Age, out of the Realm, under Coverture, *Non compos Mentis*, or in Prison at the time of the Fine levied, and the Proclamations passed, yet he is barred, *3 Co. 84.*

4.

That the Statutes, as to this, do extend to Fines levied by the Tenant in Tail by Conclusion ; and the Issue will be bound by the Fine of the Ancestor, unto whom he is privy in Estate and Blood, albeit *Partes Finis nihil habuerunt*, &c. *Jenk. Cent. Case 96.*

5.

That albeit the Estate passed by the Fine, be afterwards (before all the Proclamations had) avoided, yet the Issue in Tail is barred by it, *3 Co. 91.*

6.

This is a Bar to the Estate-Tail and to the Issues only, but is no Bar to him in Remainder or Reversion ; and therefore when the Estate-Tail is spent, this Bar is at an end, *1 Co. 76. Co. Lit. 372.*

7.

That this will be a Bar to the Issues in Tail of more than one Estate in Tail, if his Ancestor had more than one Estate Tail in him, *Co. Lit. 372.* As if it be Tenant in Tail, the Remainder to him in Tail : *Et sic de similibus.*

8.

See

As to the 1.

- See more for these : *Leon. Rep.* 208, 209.
Moor 747. 3 *Co.* 90, 98. *Moor* 399, 146, 147.
Dyer 332. *Moor* 252, 253. 1 *Cro.* 111. *M.*
 628. *Leon.* 297. 1 *Co.* 96. 1 *Cro.* 314. 2 *Co.*
 40. *Jenk. Cent.* 6. c. 46. *Plowd.* 435, 436.
Dyer 213. *Plowd.* 345. 1 *Co.* 76.
 2. *Plowd.* 435. 2 *Co.* 76. *Co. Lit.* 353. *Dyer*
 279. *Co. Inst.* 2d. 517. *Dyer* 117. 2 *Cro.* 689.
 3 *Bulstr.* 46, 47.
 3. 3 *Co.* 86. 50. *Jenk. Cent.* 4. *Case* 97. *Li.*
Bro. Case 144. 2 *Bulst.* 164. *Bendl.* 30.
 4. 3 *Co.* 84. 91. 2 *Cro.* 699.
 5. 3 *Co.* 90. *Dyer* 279. *Plowd.* 435. *Dyer* 41.
Plowd. 434. 10 *Co.* 50. 3. 50. 9. 141, 142.
Goldsb. 107. 3 *Co.* 84. *Jenk. Cent.* 6. c. 96.
Cent. 8. c. 28. 3 *Co.* 91. *Plowd.* 127.
 6. 3 *Co.* 91. *Plowd.* 434, 435.
 7. 1 *Co.* 76. *Co. Lit.* 372. 10 *Co.* 96.
 8. *Co. Lit.* 372. 3 *Bulstr.* 43. 2 *Bulstr.* 45.
 3 *Co.* 51.

Never seised
by force of
the Entail.

Rule.

If a Fine be levied in the Ancestors Life time by the Heir to the Tail in possibility, after the Ancestor Tenant in Tail's death, and he die without Issue in the Life time of the Ancestor, this will not bar the Heir to the Tail, for he was never seised by force of the Entail; But if he survive the Ancestor that the Tail descend upon him, it is otherwise, 1 *Co.* 314.

For the Fine that shall bar (in this Case) the Issue, must be levied by him that had the Estate Tail once, or to whose Ancestor the Land was entailed, and by whom the Conveyance by descent ought to be made, 1 *Co.* 65. And where

where he needs not mention (in his Conveyance by descent) the Ancestor that levied the Fine; there the Fine shall not bar, 1 Co. 314.

If Tenant in Tail be disseised, and Disseisor levy a Fine with Proclamations, and the Tenant in Tail suffer five years to pass without Claim, by this Fine he and his Issues are barred for ever, 9 Co. 105.

But it is a Rule; That Tenant in Tail may Rule: not alien or charge the Land entailed without Fine or Recovery, *Wing. Max.* 413.

But if Lands be conveyed to a Woman in Fine levied of Tail for her Jointure within the Stat. 11 H. 7. a Joynture. 20. and she levy a Fine of them, this will not bar the Issue in Tail, 1 Co. *Inst.* 356, 365. *Wing. Max.* 19, 20.

If the King himself be Tenant in Tail of the King Tenant Gift of some of his Ancestors as Subjects, he in Tail. may levy a Fine of this, and bar his Issues; and upon a Grant and Render, he may bar the Estate-Tail, 1 Co. 7. 6. 7 Co. 32. 3 Leon. 76, 77. *Co. Lit.* 372.

And if Tenant in Tail of the Gift of the King levy a Fine or suffer a Common Recovery, Tenant in Tail of the Gift of the King. albeit this is no Discontinuance, where the Reversion be in the King, yet it seems to be a Bar to the Issue, 3 Leon. 76, 77. But yet it is said to be no Bar to the King, nor to the Issues in Tail, but all others it will bar; for these Fines are not intended within, but excepted out of 32 H. 8. ca. 6. *Dyer* 279. *Lit. Bro. Case* 144.

Nor will Fines bar in Cases of Land restrained from Alienation by Act of Parliament. Land restrained.

And

And it is a Rule, That in case where a Recovery will not bar the Issue in Tail, there a Fine shall not bar them, 1 *Brownl.* 138.

Remainder to
to the King.

If there be Tenant in Tail the Remainder to the King, and the Tenant in Tail levy a Fine with Proclamations; in this Case the Issue is barred notwithstanding the Statute 34 *H.8.* is conceived, *Moor* 115. *Case* 258.

Reversion in
the Crown.

If there be Tenant in Tail of the Crown, the Reversion in the Crown, and the Tenant in Tail is disseised, the Disseisor doth levy a Fine with Proclamations, and five years past by this the Tenant in Tail himself is barred, but not the Issue, by 32 *H.8.* & 34 *H.8.* *Moor* 467. *Case* 665. See *Cro.* last pub. 595.

No Bar but
where Tenant
in Tail is
Cognisor.

No Fine levied by Tenant in Tail will bar the Issue, but where the Tenant in Tail is Cognisor, *Dyer* 279. *Bro. Fines* 118.

Remitter.

The Issue in Tail is perpetually barr'd by the Fine of the Tenant in Tail with Proclamations, notwithstanding that the Discontinuee is disseised by the Father, the Issue make Claim within the time of the Proclamations. And no Remitter shall be after a Fine with Proclamations, *Moor* 114. *Case* 256.

Issue in Tail
barr'd though
Tenant in Tail
be no Cogni-
sor.

Forfeiture and
no Bar.

A Fine may be a Bar to an Issue in Tail, albeit he be not Tenant in Tail at the time, if he be but a person to whom the Land is entailed, 3 *Cro.* 610.

If Tenant for Life, the Remainder in Fee, accept a Fine *come ceo*, &c. This, albeit it be a Forfeiture, yet is no Bar to the Remainder, 9 *Co.* 104.

Where

Where a Fine shall be a Bar as to one Person and not to another, and as to one part of the Land and not to another. See 9 Co. 140, 142, 106. 10 Co. 95. *Moor Cas.* 90, 256, 258. *Leon.* 115, 116. *Moor Rep.* 665.

If one levy a Fine of Lands in Ancient Demesne and of other Lands together; this Fine, as to the Ancient Demesne Lands, is no Bar; but as to the other, it may, 7 H. 4. 44. *F.N.B.* 98. 1 Cro. last pub. 469.

But in Cases where a Fine is defective for the disability of the Person of the Conusor, or of his Estate, or because it is not duly levied for the Manner and Order: In such Cases the Fine will be no Bar at all; nor will there be need of any Entry or Claim to avoid it.

See more for the Bar of a Fine, 1 *Leon.* 396. 2 Cro. 689. *Bendl.* 74, 75, 174, 178, 179. *Leon.* 110. *Jenk. Cent.* 4. c. 97. *Latch* 64. *Moor Case* 679.

If there be a Repugnancy in a Fine, the first part shall stand, and the last shall be left out, *Jenk. Cent.* 2. *Case* 96. *Cent.* 6. *Case* 50.

The Claim that is now to be made to avoid the Bar of a Fine, must be by Action or Entry, See 3 Cro. 561. See after.

Of the Use of a Fine.

IF there be a precedent Agreement for the levying of a Fine to Uses, and after a Fine is accordingly had, it shall be to those Uses and none other; and this Agreement shall guide the Uses.

The Uses of a Fine.

Uses by Word
or Parol.

Uses may be declared or averred on a Fine but not a Bargain and Sale of Land. And Use of a Fine may be declared by Word without any Deed; and if there be such a Declaration by Parol made to lead the Use of a Fine and it be defective to declare the Intent of the Parties; it may afterwards be supplied and made good by subsequent Parols, *Stiles Rep.* 148. *Quære.* And upon a Covenant of Use no other Use may be declared or averred, but what is contained in the Deed, *1 Co.* 17. *Dyer* 169.

Subsequent
Parols.

Use doth follow
the Ownership.

That upon a Fine every one may declare and dispose the use of the Land according to the Estate that he hath in it: For the Use doth follow the Ownership of the Land, as the Shadow doth follow the Body; *2 Co.* 57.

Uses declared
by Husband
and Wife.

Concerning the Declaration of Uses by Husband and Wife, See *2 Co.* 57. *Dyer* 290. *Moss Rep.* 196. c. 347. *2 Co.* 56.

Use declared
by Infant.

If an Infant or Man *de non sane memoria* shall declare the Use of a Fine levied by him, this Declaration is good so long as the Fine shall continue in force, *2 Co.* 57. *Huges Abridg.* p. 802. ca. 4.

Declaration
by Deed In-
dented.

The Declaration of the Uses of a Fine may be either by Deed indented (which is the most usual and safe way) or by Deed Poll, *2 Co.* 73. 5.

Declaration
when to be
made.

This Declaration by Word or Writing may be made before, at, or after the time of the levying of a Fine: For an Indenture subsequent may direct and declare the Uses of a Fine precedent; but what diversities is observed

setted therein : See 2 Co. 69. 6. 27, 63. 7. 40.

9. 8.

That no Averment of Uses by proof of Witnesses shall be admitted against an Use expressed in a Fine : But in Case where no Use is expressed in a Fine, there other Uses than what the Law will make upon the Fine may be averred, and proved to be agreed upon, and the Fine shall be to the Uses, 5 Co. 26. 9. 8. 2. 57. See after.

Averment of Uses.

That where the Uses of a Fine are agreed, there it must go to the Uses agreed upon ; but where no Uses are agreed upon, but only that it is agreed, a Fine shall be levied and not said to what Use, or a Fine is levied, there the Law appoints the Use according to Conscience, 2 Co. 37, 38. Dyer 18. Co. Lit. 271. Moor 472, 473, 842, 843.

Uses agreed and not agreed.

That more Acres of Land do not pass by a Fine than the Fine doth name, albeit the Indenture to lead the use of it do speak of more Acres. For the Fine is the Foundation of the Estate, and the Estate riseth out of it, Jenk. Cent. 6. Case 45.

No more Acres passeth than intended.

If the Conusee of a Fine levied of Land do pay Mony to the Conusor of the Fine at the time of the Fine levied, and there be no Use declared, nor is it set forth to what Use it shall be : In this Case the Law will construe the Fine to be levied of these Lands to the Use of the Conusee to whom the Fine is levied.

Mony paid, Use to the Conusee.

But if there be no Mony paid by the Conusee, nor any Use declared, it shall be to the Use of the Cognisor that levied the Fine : For

No mony paid Use to the Cognisor,

O

nothing

nothing appears whereby it can be supposed that the Parties had any Intention the Estate in the Lands should be altered by the Fine; but that the Fine was levied in corroboration of the Title of the Cognisor, *Bendl. 134, 135. Still Pract. Reg. 147.*

Use levied in the Fine itself. That the Uses of a Fine may be levied with in the Fine it self without any Indenture, *Hutt. 112.*

Use averred without Deed. That an Use may be averred without a Deed upon a Fine *sur Render*; for the Deed is but to shew the Intent of the Parties, which may appear as well without as by Deed, *Poph. 105.*

General Covenant. That a general Covenant shall direct to special Uses of a Fine, and the special operation thereof, according to the Intent of the Parties, *1 Bulst. 256.*

Render to no other use, &c. The Render of a Fine may not be alledged to any other Use than what is expressed upon the Fine without a Writing to shew for it, *Poph. 104, 105. 3 Bulst. 318, 319.*

Several Assurances one Conveyance. A Bargain and Sale, Fine and Recovery made at several times to one purpose, shall be esteemed but as one Conveyance, *Bendl. Rep. 101.*

Where a Fine may be avoided, and how.

A Fine may be avoided for good cause in many Cases: as,

1. By the Death of all or some of the Parties before it be finished.

2. By

2. By some Error escaped in the suing of it out, and prosecution of it.

3. By some Fraud, Deceit or Covin that hath been used in it.

And so it is sometimes avoidable by a Writ of Deceit; sometimes by a Writ of Error; and sometimes by Pleading only.

If either of the Parties Cognizors die after the Cognizance or Concord, and before the King's Silver be entred, this will avoid the Fine and it cannot be made good: But if the King's Silver be entred in Paper or upon the back of the Writ of Covenant (as the Use is) and the Party dye after this; the Fine by this shall not be avoided but may be finished: See 1 Cro. last pub. 469. Dyer 320, 220, 246. 5 Co. 39. Co. Lit. 9. Co. Inst. 3, 511. Brq. Fines 124. See more, Dyer 89. Hob. 330, 403, 404.

Fine avoided by death.

King's Silver paid and entred.

Where the Cognizor dies after the Cognizance made, the Writ of Covenant and *Dedimus Potestatem* being antedated, and the King's Silver paid, the Fine will be a good Fine, Jenk. Cent. 4. c. 28. 7. c. 3.

Writ of Covenant and *Dedimus Potestatem* antedated.

It is held also, that if a Judge take the Cognizance of a Fine, and before it be certified, the King demise, and the Judge have notice of this; that now the Fine cannot be certified, for his Patent is at an end: And there seems to be the same reason for Commissioners to take a Cognizance by *Dedimus Potestatem*, Jenk. Cent. 4. c. 28.

Demise of the King.

Note that where any Fine is levied, it shall be said to be all that Term wherein it is levied

Fine in pectore Judicis.

in pectore Judicis to amend it for Error, as Judges see cause, *Latch. Rep.* 180.

Fine avoided by Error.

Notorious
Error.

NO Error, but such as is notorious, shall void a Fine; for in this the Rule is, *Consensus tollit Errorem*. An Infant may avoid a Fine by a Writ of Error during his Minority, but not afterwards, 2 Co. 230. *Dyer* 201.

Original want-
ing.

If there want an Original, or if there be a Writ, and that doth bear *Teste* after the *Dedimus potestatem*, or the *Dedimus potestatem* be to two, and one alone taketh it; this, its fault, is Error, for which the Fine may be reversed; but for the *Teste* of the Writ of Covenant after the *Dedimus potestatem*, this is amendable, *Latch Rep.* 186.

No Error con-
trary to the
Record.

But no Error may be alledged to reverse a Fine, where the Error is contrary to the Record or Certificate of the Justices; as to say, The Commissioner was not a Knight when the *Dedimus potestatem* saith he was, *Jenks. Cent.* 6. c. 53. *Dyer* 89. 2 Cro. 11. *Yelv.* 33. *Hugh.* 940. *Case* 9. 646. 16. 17. 18.

Error barred,
and how.

One may bar himself of this Writ of Error, by a Feoffment of the Land, or a Release of his Right to the Land, or by a Recovery, or by a Fine and five years past, 1 Cro. *last pub.* 69. 2 Co. 77. 1. 77. 2 Co. *Inst.* 518. 2 Cro. 332. 2 Leon. 263.

And by making of a Lease for years, he may suspend it, *Owen. Rep.* 21. *Stiles Rep.* 246, 252. 1 Cro. *last pub.* 469. *Goldsb.* 181. 16

If the Lands lie in divers Counties, and there be not several Writs of Covenant for every County, this will be Error, *Dyer* 227. 15 Ed.

4. 13.

Note. For Repugnancy see 5 Co. *Tey's Case*. Repugnancy.

Where Error is in the Proceed of the Proclamations only; There they only shall be reversed, and the rest of the Fine shall stand good at Common Law, *Hughes* 938. c. 2, 3, 4.

That Variance in the Persons in the Render, or of the Estates of Lands, except it be very gross, will not make it void, *Hughes* 939. c. 946. c. 10.

Where a Fine is good or not, see *Hughes* Good Fine. *Abridgment of Fines* par. 1, 2, 3. See *West. Symb.* part 2.

Who is to bring the Writ of Error, see *Leon.* 317, 115. 2 *Cro.* 11. 90, 392: *Dyer* 201, 89, 49, 321. 2 *Leon.* 139. *Owen* 21.

Error in a Fine may not be alledged contrary to the Record it self, *Yelv.* 34. See before.

Fraud, Deceit and Covin.

Fine avoided by reason of Fraud, Deceit or Covin.

If a Fine be gotten or obtained by any notorious Fraud or Practice; it may in some Cases be avoided by a *Vacat*; See 1 *Cro. last pub.* 518, 531, 471. *Moor* c. 21. *Plowd.* 370.

If a Lessee for Life or Years, or a Copyholder levy a Fine of Covin of purpose to bar him in Reversion, or the Lord of his Inheritance;

tance; this may be avoided for Fraud, 9 Co. 105. 3 Co. 78.

And as a fraudulent Deed or Conveyance may be avoided for Fraud; so a Fine may be avoided.

Usurious Contract.

So also it seems the Law is of a Fine suffered in pursuit of an usurious Contract, 3 Co. 18, 80, 16 H. 7. 5. *Jenk. Cent. 6. c. 45. Stat. 13 El. & 27 Eliz. 3 Co. 45. Stiles 288.*

To deceive a Purchaser.

A Fine levied to deceive a Purchaser or Creditor may be void or be voidable: See 3 Co. 79.

Pretence of Title.

But if one shall pretend Title to Land, and enter and disseise the Tenant, and after levy a Fine with intent to bar the Disseisee; this is good. And if the Disseisee shall not enter or claim within the five years, he is barred, 3 Co. 79.

How to be avoided by Claim.

If there be Tenant for Life, the Remainder for Life, the Remainder in Fee; and the first Tenant for Life alien, and the Alienee levy a Fine with Proclamations, and the second Tenant for Life claim, &c. This doth make void the Fine, not only against him, but against him in Remainder also.

Rule.

And it is a Rule, That any one that hath an Estate in Possession or Reversion, which will be barred by the Fine when 'tis levied, may make a Claim or Entry to prevent the Bar of the Fine.

Claim, &c. by Authority.

And by Authority also any other Man may make a Claim, Entry, &c. In this Case for him that hath Right; See *Moor* 457.

All Rights set at large.

The avoiding of a Fine by one defeats it against all, although their Right were bound before

fore by their Non-claim, which sets at large all other Rights above them, 16 Ed. 2. *Plow.* 358. *Stowel's Case.*

Fine levied by one of the same name of the Deceit by one others Lands may be avoided by Deceit or Plead- of the same ing, 34 H. 6. 19. *Lit. Broo.* c. 215. name.

Pleas to a Fine.

THe Plea of *per Duress* or Imprisonment will not, its said, be admitted, 17 E. 3. 52. 17 *Aff.* 17. *Per Duress.*

The Plea, *Partes Finis nihil habuerunt tempore levationis Finis*, is given only to Estrangers *Partes Finis nihil habuerunt.* to the Fine; but from Parties and Privies it is taken away. Where this Plea is good or not, see *Hughes* 940. and *Moor* 251. The Issue in Tail may not have this Plea, unless to avoid a Fine *sur Release* only, 3 Co. 141. *Dyer* 334.

Issue in Tail may aver Continuance of Possession against a Fine *sur Cognizance de droit* of Possession. *tantum* or Surrender: See 12 Ed. 4. 12, 15. 11 H. 4. 8, 5. But not against *Sur Cognizance de droit come ceo que il ad de son done.*

For Pleas to avoid a Fine, see *Owens Rep.* 21. & *Stat.* 27 Ed. 1. c. 1.

How a Fine is to be pleaded, see *Leon.* 386, 986. *West. Symb.* 2d part. 3 Cro. 903, 917.

If a Fine or Recovery be levied or suffered of Covin by a Lessee for Years or Lessee for Life, or a Copyholder of purpose, and with intent to bar him in Reversion, or a Lord of his Inheritance; this is of no force, and therefore

Non-Claim within five years shall not hurt in this Case, 3 Co. 78. 8. 105.

Note, That it is Felony without Benefit of Clergy, without Corruption of Blood or Loss of Dower to acknowledg or procure to be acknowledged any Fine, Recovery, &c. in the name of any Person not privy or consenting thereunto: But this not to extend to a Judgment acknowledged by Attorney of Record for another, by 21 Jac. c. 6.

As to the Execution of a Fine.

*Habere facias
seisinam.*

Scire facias.

*Habere facias
seisinam.*

NOte, That a Fine is either executed by Writ of *Habere facias seisinam*, which is a Writ to the Sheriff to put the Cognisee or his Heirs in Possession; and this must be sued forth within a year after the Fine sued forth, or after Judgment upon a *Scire Facias*: Or else he must have a Writ of *Scire Facias*, which is to be sued forth after a year and day after the Fine is levied, and thereby the Sheriff is to warn the Tenant to appear and shew cause, if he can, why the Cognisee or his Heirs should not have Execution: At the Return wherof, if the Tenant appear and can shew no cause to the contrary, the Plaintiff shall have an *Habere Facias Seisinam* to the Sheriff to put him or his Heirs in Possession. Or the Cognisee where the Fine is *Sur Cognissance de droit come ceo que il ad de son done*, may obtain the actual Possession of the Land contained in the Fine

Fine by an Entry: For in this Case of a Fine Entry, executed, if the Cognizor be still in Possession of the Land whereof the Fine is levied, the Cognisee may without any Writ of *Habere facias Seisnam* enter upon him, and so get the Seisin and Possession of the Land. And note, that if a Fine be levied to Husband and Wife in Special Tail, the Remainder to the Heirs of the Body of the Husband, and the Wife dieth without Issue, the Remainder is executed in Possession in the Husband; for the Estate Tail meeteth with the Fee Simple, and it is drowned, 41 Ed. 3. 14. 14 Ed. 3. 5. 7 H. 4. 23. *West. Symb. part 2.*

Fine executed.

Remainder executed.

Atturment, &c.

AND note, That a Fine of a Reversion ought not to be ingrossed until the Tenant for Term of Life atturn; for until Atturment he is dispunishable of Waste; neither can the Cognisee avow upon him for the Rent behind before Atturment, 22 H. 6. f. 13. *Plowd.* 431.

Atturment where necessary.

And the Cognisee may compel such Tenant for Life to atturn by *Quid juris clamat*. A Judicial Writ issuing out of the Record of the Fine which lieth in the *Custos Brevium*'s hand, and lieth for the Grantee of a Reversion or Remainder to force the particular Tenant to atturn.

How to be enforced. *Quid juris clamat.*

Or a *Quem Reditum reddit*, a Judicial Writ issuing out of the Note of a Fine against the Tenant

Quem Reditum reddit.

Tenant of the Land to compel him to attorn upon the Grant of Rent sect or Rent charge out of the Land.

Per que Servitia.

Or a *Per que Servitia*, a Judicial Writ issuing from the Note of a Fine, and lieth for the Cognisor of a Mannor, Seignior, Chief Rent or other Services to compel him that is Tenant of the Land at the time of the Note of the Fine levied to attorn unto him. And this may always be sued forth upon the Note of the Fine made by the Chirographer, and before it be ingrossed by him; for after the ingrossing it cannot be had, *F.N.B.f. 47. a. b.*

These last things are largely and learnedly treated of by Mr. *West* in his second part of *Symb.* to which, for your further Information, I refer you.

THE

THE INTRODUCTION To, and Definition of, RECOVERIES.

Recoveries are } As Common Recoveries, Recovery de-
either feigned } fined.
or }
True; } That is actual by Judgment

A true Recovery is an actual or real Recovery of any thing, or the value thereof by Judgment; as if a Man buy Land of another with Warranty, and this Land is afterwards recovered by a third Person; The Buyer hath remedy against the Seller to recover it in value; That is, to recover so much Money as the Land is worth. *Fitz. N. B. fol. 134.* True Recovery.

But the Common Recovery (which is here purposed to be treated of) is *Fictio Juris*, a feigned formal Thing, by consent, and is used, where a Man is desirous to cut off an Estate Tail, &c. in Lands or Tenements, to the end, to sell, give or bequeath it as he thinketh meet, for the Assurance of them that shall after have the Land. Common Recovery.

These

Common Recoveries when first invented.

13 E. 1. 1.

From the Inconveniency of Entails.

These Common Recoveries, as also Fines are said to be first invented when Entails set out to be inconvenient: For the opening whereof you may observe, That before the Statute *de Donis Conditionalibus*, *Westm. cap. 1.* Feoffees after they had Issue, had power to alien and disinherit the Issue contrary to the mind of the Donors. And by this Statute in *Edward* the First's time, the Inheritance was made so strong, as that the Tenant in Tail could not put away the Land from the Heir by any Act of Conveyance or Attainder, nor let it, or any way charge or incumber it longer than for his own life.

But from this Statute there arose many inconveniencies, for by this means the Lands were made so sure to the Heir, as that the Father could not put it from him, and hereupon the Son oftentimes proved disobedient, negligent, wastful, &c. knowing he could not be disinherited; and many times the Owners themselves of such entailed Lands were less fearful to commit Felonies, Murders, Manslaughters and Treasons, for that they knew that none of these Acts could hurt the Inheritance of the Heir.

Again, such as had entailed Lands could make little or no Profit of them; for none would give a Fine of any value upon such an uncertain Estate, as that of the Owners Life only, neither would they much improve the Lands for the same Reason, with many other Inconveniencies.

For the Remedy whereof several later Statutes were made, as 4 H. 7. 24. 32 H. 8. 36. Whereby a Tenant in Tail may disinherit his Son by Fine and Proclamation. 26 H. 8. 13. Tenant in Tail doth forfeit his Land for Treason; and 32 H. 8. he may make Leases for 21 years, or 3 lives, &c. by 33 H. 8. Entailed Lands are liable by Extent for the Kings Debt, and by 13 Eliz. 4. They are saleable for his Arrearages upon his Account for his Office.

Remedy against Entails by several Statutes.

Also for the Remedy of those Inconveniences of entailed Lands, these Common Recoveries were first invented, and Men began to cut off Entails by such means as they could find Law for it; and now by use these Recoveries are become Common Assurances against Entails, and against Remainders and Reversions, and are the greatest Assurances that Purchasers have for their Mony, (being grounded upon the strict Principles of the Law, though by consent,) for a Fine will bar the Heirs in Tail, but not the Remainders or Reversions, but these Recoveries bar them all. 1 Coke 22, 62.

Remedy by Common Recoveries. 7 H. 8. 4. 21 H. 8. 15. Common Recoveries become the greatest Assurances.

Mr. West in his *Symb.* part 2. sect. 1. saith, That the end and effect of a Common Recovery, is to discontinue, and destroy Estates, Remainders and Reversions, and to bar the former Owners thereof.

The end and effect of Common Recoveries.

They are therefore mostly used for Assurances of Land, in the form whereof the Parties do agree, that one who is call'd the Demandant shall bring an Action Real (as if he had good Right)

The form of a Common Recovery with single Voucher

The Introduction to

Right) against the Tenant of the Freehold the Lands as though he had no Right of Entry to the same, but after a Disseisin which

*The common Name for the supposed Disseisor.

*The common Name of the common Vouchee.

Plea.

Impar lance.

Default.

Judgment.

*Note, he is called a Vouchee in respect that he is called by the Tenant; and he is called Voucher in respect that he calleth over a second Vouchee, &c.

* *Hugh Hunt* had unjustly made to the Demandant, &c. and hereupon the Tenant calls warrant to him the Lands, * *Edmund Clerk* (or the common Vouchee) which Vouchee supposed to appear in Court, and warrant the Lands to the Tenant (or Defendant) whereupon the Plaintiff or Demandant claims the Lands against the Common Vouchee, who supposed to appear and defend his Right, and pleads, That *Hugh Hunt* did not disseise the Plaintiff or Demandant, as by his Declaration he supposes, and puts himself upon the Country to try it; whereupon the Demandant pro a day to imparle, or speak to the Plea, and a day being given, the Demandant is supposed to come again into Court in proper Person and the Common Vouchee then is supposed to make default and withdraw in contempt of the Court, and thereupon Judgment is given that the Demandant shall recover the Land against the Tenant, and the Tenant shall recover in value against the Common Vouchee, &c. And so by this Device grounded upon the first Principles of the Law, the Tenant loseth the Land, and hath nothing for it; but it is by his own Agreement, and for the Assurance of him that buys the Land, &c.

And so it is if it be with double or treble Vouchers; as in double, the Tenant calleth a warranty the first * Vouchee, who warranteth and calleth the second or Common Vouchee, who

who pleads to the Country, and after Impar-
ance and return of the Demandant, makes de-
fault, and then Judgment for the Demandant
against the Tenant, for the Tenant to recover
in value of the first Vouchee, and the first to
recover in value of the second or Common
Vouchee, and it is in the like manner with
treble Voucher, &c. as you may observe in
the Pleadings hereafter set down.

But these Pleadings are grounded upon a
Writ called a *Writ of Entry in le post*, in
which, and besides which, there are many
things of nicety and exactness, before we
come to the Pleadings on the Roll, which ob-
serve as followeth.

Observation in Common Recoveries.

IN every Recovery four things are principally
to be observed,

1. The Demandant who is Plaintiff in the
Writ of Entry, and properly called the Reco-
verer.
2. The Tenant of the Land who is Defen-
dant to the Writ of Entry, against whom the
Land is to be recovered, and therefore properly
called the Recoveree.
3. The Vouchee being the Person whom
the Tenant calls to warrant to him the Lands
demanded, (as you may observe in the Intro-
duction.)
4. The Land it'self which is to be reco-
vered, and which must be carefully and regu-
larly

larly placed, as you may observe by the Directions following.

How the Writ of Entry must be brought.

* See a Lease and Release at the end of this Book.

If it be by Fine, you make him Cognizee to the Fine, who is to be Tenant in the Recovery, and he must vouch the Tenant in Tail; and in such case the Writ of Covenant for the Fine must bear Teste, and be retornable before the Writ of Entry.

Surrender to him in Reversion.

Note, If a Recovery be intended with single Voucher, the Precipe must be brought against the Tenant in Tail in possession, and he must vouch the Common Vouchée. But if your Recovery be intended with a double Voucher, you must either by Fine, Feoffment, Bargain and Sale inrolled, * or Lease and Release, make him (you intend to be) Tenant at the time of the Writ of Entry brought; for every Writ of Entry must always be brought against him that must be a perfect Tenant of the Freehold of the Land demanded at the return of the Writ, 18 R. 2. and *Dyer fol. 252. pl. 98.* because the Estate of the Tenant in Tail (who is the first Vouchée) is barr'd in respect of the supposed recompence adjudged over against the Common Vouchée; for in strict Law the Recompence adjudged over is to go in Succession of the Estate, as the Land lost should have done, and then it were not reason to allow the Heir liberty to keep the Land, and also to have a Recompence in value, therefore he loseth the Land, and is to trust to the Recompence, *Dy. 252. 3 Co. 6. 1 Co. 42.* But in a feigned Recovery the Recompence is but imaginary, and no such thing really in the case.

Note also, That if a Tenant have but an Estate for Life, or be Tenant in Dower, or by the Courtesie of *England*, it is requisite for the strengthening of a Recovery, and saving his Estate,

Estate, that he make a conditional Surrender of his Estate to him in the Reversion or Remainder, to the end he may be a present Tenant of the Inheritance, and then to bring the Writ of Entry against him; and after that the Recovery is executed, the particular Tenant for breach of the Condition may enter and enjoy his Term notwithstanding such Surrender. See the form of the Surrender at the end of this Book.

The effect of a Recovery, as is said before in the Preamble, is to bar Entails, and all Remainders and Reversions that should take place after Entails; and they are most usually suffered either with a single Voucher, double Voucher or treble Voucher, and sometimes with a quadruple Voucher, as you may observe amongst the Presidents following.

The intent of a Common Recovery with a single Voucher, is to bar the Tenant and his Heirs of such only Estate Tail which then is in him, to destroy the Estates which others have of any Reversion expectant, or Remainder dependant upon the same; and of all Leases and Incumbrances derived out of such Reversions or Remainders.

But note, where the King is the Giver of an Estate Tail, and keepeth the Reversion in himself, it is said such Recovery against the Tenant in Tail will not bar the Issue in Tail of his Entry, nor discontinue his Estate, nor pluck such Reversion or Remainder out of his Majesty, 28 H. 8. b. 34 H. 8. cap. 20. Dyer, fol. 132.

Intent of Recovery with double Voucher.

By a Recovery with double Voucher, it is intended to bar the first Voucher and his Heir of every such Estate as at any time was in him, or any of his Ancestors, whose Heir he is of such Estate; and all other Persons having such right to a Reversion or Remainder was thereupon at any time expectant or dependant, and of all Leases, Charges and Incumbrances, derived out of any such Reversion or Remainder, and will be also a perpetual bar of such Estate whereof the Tenant was then seized in reversion or remainder, expectant or dependant upon the same.

Intent of Recovery with treble Voucher

The intent of a Recovery with a treble Voucher is to make a perpetual bar of the Estates of the Tenant, and of every such Estate of Inheritance as at any time had been in the first or second Vouchee, or any of them, or either of their Ancestors, whose Heirs he or they are of such Estate, and as well of every Reversion thereupon dependant; as also of all Leases, Estates, Charges and Incumbrances derived out of such Reversion or Remainder.

Observanda.

From the whole observe, That a Recovery with single Voucher, bars only such Estate as the Tenant hath in possession at the Recovery and the Dependencies thereon; As if Land be given to A. in Tail, the Remainder to the right Heirs of B. (B. being then living) and the Writ of Entry is brought against the Tenant in Tail, and he doth vouch over the Common Vouchee; this is a good recovery and a bar to the Estate Tail and Remainder also. 1 Co. 135. 3 Co. 59. But if the Tenant in Tail

Tail be not in possession or be in of another Estate by Disseisin or Conveyance, &c. As if Tenant in Tail be disseised, and then suffer a Recovery with single Voucher; or the Disseisor make a new Estate to the Tenant in Tail, and then the Tenant in Tail doth suffer a Recovery with single Voucher; or if the Tenant in Tail make a Feoffment in Fee of Land, and then take back a new Estate to himself from the Discontinuee in Tail or in Fee, and then doth suffer a Common Recovery with single Voucher; by this the Estate in these last Cases is not barred.

But by a Recovery with double Voucher in these Cases the Estate Tail is barred, and all Interests, Estates and Titles that the Vouchee hath at the time of the Entry into the Warranty: And therefore as in Cases where the Tenant in Tail doth levy a Fine, make a Feoffment, or bargain and sell the Land by Deed indented and inrolled, and the Writ is brought against the Cognizee, Feoffee or Bargainee, and he doth vouch the Tenant in Tail, who doth vouch the Common Vouchee; this doth bar the Estate Tail, and the Remainders and Reversions thereupon. So if in these Cases the Conusee, Feoffee or Bargainee doth make a new Estate to the Conusor, Feoffor or Bargainor, or he disseise the Conusee, Feoffee or Bargainee, and then levy a Fine, make a Feoffment, and bargain and sell to another against whom the Writ of Entry is brought, and he vouch the Tenant in Tail, and he vouch the Common Vouchee; by this Recovery the first and second

Recoveries.

Estate Tail, and all the Remainders and Reversions depending thereupon are barr'd, 1 Co. 135. 3 Co. 59. 12 E.4.19. 10 Co. 45.

Note, In that called a single Recovery, you will find two Recoveries included; The first by the Demandant against the Tenant, and the second by the Tenant against the Common Voucher.

2. In that with a double Voucher you will find three Recoveries included, one for the Demandant against the Tenant, 2d. For the Tenant against the Voucher. The last for that Voucher against the second or common Voucher.

3. Also in a Recovery with treble Voucher are included four Recoveries. First by the Demandant against the Tenant. 2d. By the Tenant against the first Voucher (otherwise called Vouchee.) The third by the first against the second, and the fourth by the second against the Common Vouchee.

Thus much shall suffice to shew the Ground and Effect of these Common Recoveries. Next we proceed to the Rule for placing particulars, and suing forth the Writs of Entry.

Precipe.

You must first draw your Precipe in Paper which is for the Curfitors instructions whereby to make out the Writ of Entry, and in this Precipe the Lands must be exactly set down and placed in order according to the Rules following.

Note, It is called a *Præcipe quod reddat*, therefore first we will see of what Things a *Præcipe quod reddat* or Writ of Entry lyeth, and of what not.

*Of what things a Writ of Entry
lyeth, and by what Names.*

PRecipe qđ reddat lieth de una Acra Terre
Aqua cooperta vel de Acra Terē 12 H. 7.
f. 4. de * Curgite 10 E. 3. & 14 E. 3. 842. * A Water:
F.N.B. fo. 191. Et de Passagio ultra Aquam Plt.
F.N.B. 191. de Walliba, 34 Ed. 3. 423. de
Officio, 27 H. 8. 12. de Abbocatione Eccle-
sie, aut de quarta parte Decimarum, 34 E. 3.
de Portione Decimarum, Dyer fo. 84. pl. 83.
de quadam parcel Terre, Dyer 84. pl. 83.
de custod Terre & hered sive de custod Terre,
Reg. 161. 22 Ed. 3. f. 29.

Recipe quod reddat lieth of all manner These are ac-
of Ecclesiastical or Spiritual Profits, as de Re- cording to
ctoꝝia Alscaria Portionibus Pensionibus De- Mr. West's
cimis &c. per Stat. 32 H. 8. c. 7. de omnibus Symb. part 2.
& omnimodis Decimis maioribus mittis & sect. 2 & 3.
minutis infra Willam sive Hamlet de B. in
Paroch de A. quoquomodo crescen contingen
ac annuatim renoban &c. Thel. lib. 8. ca. 9.
sect. 2. de quarta parte Decimarum & Obla-
tionum Ecclesie Sancte B. &c. 16 Ed. 3.
de quadam Portione Decimarum or Terre
not shewing how much, 1 H. 4. f. 1. Dyer fo.
84. pl. 83, 84, 85, & 86. In old time de hida
Terre per Glanvil, de caruca Terre, 4 E. 3.
161. de hovat Terre, 6 E. 3. 291. de ser-
pedibus Terre in longitudine & quatuor
in latitudine, 14 Ass. 13.

A Precipe quod reddat lieth de tofto & fup
 Polendini, 14 Ed. 3. de Hundredo de C. &
 Ballivato de B. 34 E. 1. 3 E. 3. de Paftur
 ad sex Foves, 3 E. 3. f. 23. 4 E. 2. de Rodu
 Terre, 3 E. 5. de Advocatione, 34 E. 1. de
 quadam portione Terre, 11 H. 4. f. 40. 5 H.
 7. fo. 9. de Medietat unius Rede Terre,
 41 E. 3. de Shopa, Reg. fo. 3. de quatuor
 Acris Alnet, 11 Aff. 13. de Turbar by the
 name of Moze, 8 E. 3. f. 387. and it lieth in
 a Town and not in an Hamlet, 8 E. 3. f. 55.
 7 E. 3. 9.

*Of what things a Writ of Entry
 lieth not.*

* Not of a
 Ditch, nor of
 a Pool.

* A Wain
 Land.

A Precipe quod reddat lieth not de * Fof
 lato, nec de Stagno, nec de Piscaria,
 8 E. 3. 381. nec de Advocatione Decimarum
 unius * carucat Terre, Reg. f. 29. nec de
 Communia pasture, 27 H. 8. f. 12. de Cof
 veriis, 2 Ed. 3. de homagio & fidelitat nec
 de serviciis faciendis, 6 E. 2.

* A Selon or
 Bidge of Land

It lieth not de Bobat Marifci, 13 E. 3. f. 3.
 de * felonie Terre, Ed. 1. for the Incertainty,
 becaufe a Selon which is a Land fometimes con
 taining an Acre, fometimes more and fometimes
 lefs.

It lieth not of a Garden, Cottage or Croft,
 14 Aff. 13. 8 H. 8. 3. 22 E. 4. 13. de virgat
 Terre, 41. 43. 13 E. 3. de Fodina, de Pina
 nera, de Mercatu, 13 E. 3. For they lie not
 in demefne but in gain nec de Superiori Ca
 mera, 3 H. 6. f. 1. It

It lieth not of an Annuity, nor of a Tenement, but it must be of Houses and a certain quantity of Acres, *Moor Rep.* 953.

A Writ of Entry ought not to contain one and the same thing twice, as a Messuage and an House, parcel of the same Messuage, 3 *Ed.* 4. f. 28. 46 *E.* 3. 26. Nor to name a Town and an Hamlet within the same Town, 22 *E.* 3. 14. 41 *E.* 3. f. 22. But the Practice is now otherwise as to this, and some other of the things before mentioned, as you may observe before, that a *Precipe quod reddat* is said not to lie *de Vicaria, Estoveris, de Gardino, nec de Communia pasture*; but the use is otherwise, as you will see by the Recoveries in this Treatise; and though it may be meant that a *Precipe* lies not of one of those things singly alone, as of a Common; yet being joined and expressed with other things, it may well lie, and is every days practice.

We should shew something of the Persons as may be allowed to suffer Recoveries, but it shall suffice to say, That such Persons, and by such Names, may be Demandants, Tenants and Vouches in Recoveries as may be Cognizors and Cognisees in Fines, *Co. Lit.* 372. See in the Treatise of Fines.

*Rules to be observed in placing
Particulars in a Writ of En-
try.*

1. **T**H E more worthy Things must be placed before the things less worthy, as a Castle must be set before a Mannor, a Mannor before a Messuage, a Messuage before a Toll or Mill, &c.

2 Things General must be put before things Special, as Land being the General or Genus to Meadow, Pasture, &c. is placed before Meadow, &c.

3. Entire or whole things are to be put before Parts, as one Messuage and the Moiety of one Messuage, &c.

* Note the word *Gardium* is used both for Garden and Orchard in real Actions, and not *Pomarium*; and if that word be used, you may plead in Abatement as being contrary to the course of the Register. See such a Plea in *Forme Placitandi* in Abatement

For the more orderly and formal placing of the Particulars in a Writ, observe this Method:
*Maneria de B. & S. cum pertinenti ac duo Mesuagia unam Shopam unum Toftum unum Molendinum unum Columbar duo * Gardina viginti Acras Terre decem Acras Pail quinq Acras Pastur sex Acras Wolci centum Acras Lampnoz & Buere centum Acras Moxe centum Acras Funcarie decem Acras Pariscet decem Acr Alneti decem Acr Bulcarie quinq Acr Teri aqua coopert viginti Librat duos Solidat unum Denar unum Obulat & unam Quadrantat reddit & reddit unius par Calcar deaurat decem Capon duorum Galloz duarum Gallinarum quinq Librat*

Librat Piperis trium Clavorz Cariophili &
 un Libr Cumini Comuniā pastur p omio
 Avertis Vic Franc pleq Liberam Warren
 Libam Piscariam Libertat Faldagii acetia
 Pundinas & Mercat Theolonium Stallaq &
 Picaq Catalla Felon Fugitivorum Uclagat
 & in exigend poit Deodand Catalla Waviat
 & Extrahit cum pertin in R. A. S. R. & B.
 Recnon Rectorias de R. & S. cum pertin ac
 omnes ac omio Decimas eisdem Rectoriis
 spectand & pertineid acetia Advocaciones Ec-
 clesiarum de R. & B. ac Advocaciones Vi-
 carie Ecclesie de H. Et in que &c.

Divers fother Particulars may be put in the
 Writ, as may be seen in the Register fol. 1, 2.
 F.N.B. 2. West Symb. 2. pag. 77.

Honor de A. cid ptiū	linat unius Libr
Castrid de B. cid ptiū	Piperis &c.
Burgus de C. cid ptiū	Meluaq
Hindzed de D. cid ptiū	Shopa
Manid de E. cid ptiū	Cellarium
Foresta de F. cid ptiū	Tostum
Chacea de G. cid ptiū	Una Warfa
Scitus Panerii de H.	Una Raia
cum pertiū	Pundine & Mercate
Terra aqua coopf	cum pertiū.
Communia pastur p	Vic Franc pleq cid
omio Avertis	pertiū
Decd Solidat Red-	Catalla Felon Uclag
dit	& in exigend poit
Reddit duorum Gal-	Catalla waviat &
loz duarum Gal-	extrahit Deodand
	Rectoria

Rectoria de B. cum
percipi ac omnes
ac omnes Decimas
quascunque eidem
Rectorie spectant &
pertinent

Scitus nuper Mona-
sterii de J. ad priu

Pratum

Pastura

Boscus

Jamprus & Buera

Mora Juncaria

Miscaria Mariscus

Alnetus

Molendinum

Columbar

Macellum

Gardinum

Terra

Liba Piscaria

Liba Marcina

Libas Falpagii

Una Salina

Una Bullar Aque
salle

Advocatio Ecclesie de
B.

Advocatio Vicarie Ec-
clesie de C.

Passagium ultra A-
quam Thamesis

Tres partes unius
Pesuagii

Medietas unius Pe-
suagii

Una pars unius Pe-
suagii Communis

pastur ad omnes
partes p^{re} Recor

Medietas & certa
pars Coie.

*The Rule for the Payment of Money in the
Alienation Office.*

Every 5 Marks and 20 Shillings payeth 6 s.
8 d. From 5 Marks and 20 Shillings unto 5
Marks and 40 Shillings payeth 10 s. Above 5
Marks and 40 s. unto 10 Marks and 20 s. pay-
eth 13 s. 4 d. So in like proportion for all o-
thers.

Land

	<i>l.</i>	<i>s.</i>	<i>d.</i>
40 <i>s.</i> or under payeth--	0	0	0
Above 40 <i>s.</i> to 3 <i>l.</i> }	0	6	8
6 <i>s.</i> 8 <i>d.</i> payeth-- }			
5 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i> payeth--	0	10	0
7 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i> -----	0	13	4
8 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i> -----	0	16	8
10 <i>l.</i> payeth -----	1	0	0
12 <i>l.</i> payeth -----	1	3	4
14 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i> payeth --	1	6	8
Land rated at 15 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i> payeth--	1	10	0
17 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i> payeth--	1	13	4
18 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i> payeth	1	16	8
20 <i>l.</i> payeth -----	2	0	0
22 <i>l.</i> payeth -----	2	3	4
23 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i> payeth--	2	6	8
25 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i> payeth--	2	10	0
27 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i> payeth--	2	13	4
28 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i> payeth--	2	16	8
30 <i>l.</i> payeth -----	3	0	0

Directions how to sue out Recoveries.

IN suffering Recoveries the Tenants and Vouchers do most commonly appear in person in Court: But sometimes they either will not, or cannot appear in Person; and then they do use to appear and suffer the Recovery by Attorney: Of both which in order.

First therefore when you would sue forth a Recovery to be suffered by the Parties in open Court;

Draw

Recoveries.

Draw your *Præcipe* according to the Directions afore given, naming the Demandant and the Tenant, the Quantity of Land and of what Nature, how many Acres, what Mannors, Mesuages, &c. and in what place or places they lie and extend.

Next you may carry it to the Curfitor of the County, where the Lands lye, for a Writ of Entry. But note it is the common use to pass a Recovery at the Bar, before a Writ of Entry is sued out; therefore having drawn your *Præcipe* in Paper, then enter it upon the first Remembrance of the Prothonotary in whose Office you enter, and put the Voucher or Vouchers Names in the Margent thus, *viz.*

With a single Voucher.

Tenens in propria persona
sua voc̃ ad
War̃ * *Edm.*
Clent, &c.

Midd. ff. **P**ræcipe A. B. quod iuste &c. reddat C. D. Geñ und Mesuagii
& decem Acr̃ Pastur̃ cum pertind in C. quiclam̃ &c.

* *Note*, the Common Vouchee is usually Bagbearer to the *Custos Brevium* of the Common Pleas, and is named *Edmund Clent* in their Presidents; but now *John Wheeler* is Bagbearer.

If it be with a double Voucher then enter it thus: *viz.*

Midd' ff.

Midd' ff. **P**recipe A. B. quod iuste &c. red- Tenens in pro-
dat C. D. Gen' unum Mesua- pria persona
gium & decem Acr' Pasture cum pertid in sua voç ad
C. que claud' &c. was F. G. Gen'
qui presens
vocat Ed. Clent
[or J. Wheeler]

If it be with a Treble Voucher then thus :

Midd. ff. **P**recipe A. B. quod iuste &c. red- Tenens in pro-
dat C. D. Gen' unum Mesua- pria persona
gium & decem Acr' Pastur cum pertid in C. sua voç ad
que claud' &c. was F. G. Gen'
qui psens voç
H. G. qui psens
voç Edm. Clent
[or J. Wheeler]

Note, that upon this Remembrance, after your Precipe, you are to enter the Return and Teste of your Writ of Entry ; but the Recovery may for dispatch be passed first at the Bar, and so is the common use. Therefore having entred your Precipe on the Remembrance, and having your Tenant and Vouchers ready at the Bar,

the Court being at * leisure deliver the Remembrance on which your Precipe is entred (which Remembrances are always brought to the Hall in the Term time) to one of the Serjeants at the Bar, having called up your Clients between the Serjeants ; but the Demandant need not to appear, only the Tenant and Voucher. And if your Client be a Noble Man, you must place him in the middle of the Bar between the Kings Serjeants or the two other eldest Serjeants in their absence. Your Precipe being delivered the Serjeants will plead, and soon dispatch your Business.

* *Note*, the fittest time will be in the Morning when the Judges first sit down, before they enter upon Business.

If

Recoveries.

If the Recovery be with single Voucher three Serjeants plead it ; one for the Demandant, one for the Tenant and the third for the Voucher.

If with a double Voucher then four Serjeants.

If with a treble Voucher then five Serjeants.

Every Serjeants Fee being 3 s. 4 d. out of which each Serjeant allows to the Clerk the fourth part the Recovery 1 s. 4 d. so that, you pay them only 2 s. a piece.

The Form of the Serjeants pleading a Recovery with single Voucher is as followeth.

1. **T**HE Serjeant, who hath the Remembrance will ask which is the Tenant, and call him to stand up, as also the Vouchers, to the intent they may be shewn to the Court ; then the Judge will ask, Who knows the Parties which you or some other must answer, you know them to be such Parties, lest there should be Fraud in it, as there hath been formerly where the Husband brought in another Woman a Stranger saying, she was his Wife, and suffered a Recovery of his Wifes Land to cut off her Estate without her consent.

And note, That *Roll* Chief Justice said, that though it was not necessary to examine a Feme Covert when she joyns with her Husband to suffer a Recovery ; yet he held it prudent, and that he used to do it, *Pract. Reg.* 136. 295.

Then the first Serjeant counts by the Protho-
notaries Remembrance according as the Writ
is there entred after this manner, viz.

Ceo vous monstre J. D. que J. S. ad luy Le premier
beforce del Panno; de D. ovels les apper- Serjeant.
rences en le Countie de C. (reciting all the
particulars) & que ceo est son droit & inheri-
tance d'oant il mesme fuit seisse en son des-
mesme come de fee & droit en temps la peace
en temps la Roy qui oze est Et les Esplais
est prise al value de demye Mark & plus Et
en queut le dit J. S. n'ad pas entre si non
puis disseisin que H. Hunt de ceo tortiousmet
& sans Judgment a fait ad le dit J. S. deins
triginta ans darrein passe si le dit J. S. ceo
voit dedire, vous aves cy le dit J. S. que
de ceo ad pozt son fuice.

The Serjeant for the Tenant saith, Nous a- Le second
ves cy le dit J. S. qui defend son dit & vouch Serjeant;
a garrantie Com. Clent & pria que il soit
summon deins le Countie avantoit p le aid
de cest Court.

Nous aves cy le dit Com Clent qui cy est 3. Serjeant.
pist denter en le garrantie & pte que le de-
mandant counta vers luy.

Antiel Count (mutatis mutandis.) 1. Serjeant.

Nous aves cy le dit Com Clent qui de- 3. Serjeant.
fend son droit & dit que le dit H. Hunt ne
disseisa pas le dit J. D. sicome le dit J. D.
per son brief & Count suppose & sur ceo luy
mitte sur le pais.

Obe vostre conge nous volumus imple. 1. Serjeant.

If it be with a double Voucher, then the Doucle Vou-
first Serjeant counts as before. Ceo vous mon- cher.
stre &c. And

2. Serjeant.

And so likewise the second for the Tenant as before, only instead of Common Voucher he calls the first Voucher *A. B.*

3. Serjeant.

Then the Serjeant of the Vouchee must desire the Judges to record the Appearance of the Vouchee (and so of every Voucher unless it be Common Vouchee) which done he must say, *Nous aves cy le dit A. B. que cy est pris dentre in le garranty & prie que le demandant counterott envers luy.*

1. Serjeant.

Autiel Count (mutatis mutandis.)

3. Serjeant.

Nous aves cy le dit A. B. qui defend son droit & vouch a garranty Comd Clent Et prie que il soit summon deins le County avant dit p le aid de cest Court.

4. Serjeant.

Then the fourth Serjeant must say, *Nous aves cy le dit Comd Clent que cy est pris dentre en le garranty & prie que le demandant counteroit envers luy.*

1. Serjeant.

Autiel Count (mutatis mutandis.)

4. Serjeant.

Nous aves cy le dit Comd Clent qui defend son droit & dit que le dit Hugh Borne disseita pas le dit J. D. come le dit J. D. p son brief & count suppose Et sur ceo luy mitte sur le pais.

1. Serjeant.

Obe vostre conge nous volumus emple.

And so in the like manner if it be with treble Voucher, (*mutatis mutandis.*)

The Tenant and Vouchers Appearances being recorded, and the Serjeants Plea ended, the Prothonotary sitting in Court will mark the Remembrance in the Margent of the Precipe thus, [*Ad Barram*] Which done and the Fees of the Court paid, you must get the Cursitor of the County

County to make your Writ of Entry by the Pre-
cipe drawn up in Paper as is afore directed ; and
having your Writ of Entry unsealed, you must
proceed therewith in the Alienation Office and
other Offices in all things as in Writ of Covenant
upon a Fine ; for the * Fees are all one, only you
must have the Attorney General's Hand to your
Writ of Entry (which you have not to a Writ
of Covenant) for which you pay 10 s.

* See before
the Rule of
Fees for Ali-
enation Office,
and see after.

Then take your Writ and get it sealed, and
then open it and return it, as you do a Writ of
Covenant.

Then deliver your Writ to a Clerk of the
Prothonotaries Office, who entreteth for you, and
he will enter and exemplifie your Recovery ; but
if you can enter it your self, then first draw up
your Recovery after this mannner, supposing it
was in *Wiltshire* and betwixt the Parties follow-
ing, with the Parcels.

See after for a
Writ of Entry
and Return.

The Form of a Recovery with a single Voucher.

Wilt's H. J. H. *Remiger in propria persona*
J. sua petit vers D. W. Gen tria
Mesuagia septem Bardina septuaginta Acr
Terre novem Acras Prati quindcim Acras
Pasture viginti Acr Iampnozum & Wzuer
& Communiam pasture pro omnibus Abiis
& Communiam turbarie cum pertid in S.
ut sus & hereditatem suam Et in que idem
D. non habet ingressum nisi post disseisinam
quam Hugo Hunt inde injuste & sine Iudicio
fecit prefat J. infra triginta annos &c. Et
ande dicit qd ipsemet fuit seiscus de Tene-
mentis

Alm...

Q

mentis & Communis p̄dicti cum pertinet in
dominio suo ut de feodo & iure tempore pa-
cis tempore Domini Regis & Domine Re-
gine nunc capiendo inde expleat ad valentiam
sc. Et in que sc. Et inde producat
sectam sc.

Et predictus D. in propria persona
venit & defendit ius suum quando sc. Et
vocat inde ad war' Comundum Clene qui
presens est hic in Curia in propria persona
sua Et gratis Tenementa & Communias p̄dicti
et war' sc. Et sup hoc p̄d I. petit s̄lus ip̄s
Comundum tenen p̄ War' suam Tenementa
& Communias p̄dictas cum pertinet in forma
p̄dicta sc. Et unde dicit quod ipsemet
seisitus de Tenementis & Communis p̄dictis
cum pertinet in dominio suo ut de feodo & iure
tempore pacis tempore Domini Regis & Domine
Regine nunc capiendo inde expleat ad va-
lentiam sc. Et in que sc. Et inde producat
sectam sc.

Et predictus Comundus tenens per War'
suam defendit ius suum quando sc. Et dicit
quod predictus Hugo non disseisivit prefatum
I. de Tenementis & Communis p̄dictis cum
pertinet per idem I. per breve & narrationem
sua p̄dicta superius supponit Et de hoc
ponit se sup patriam sc.

Et predictus I. petit licentiam inde inter-
loquendi Et habet sc. Et postea idem I. re-
venit hic in Cur' isto eodem Termino in pro-
pria persona sua Et p̄dictus Comundus licet
solemniter exact non revent let in contemp-
tum Curie recessit & default facit Ideo con-
deratum

deratum est qđ predictus J. recuperet seisinam suam versus prefatum D. de Tenementis & Communiis predictis cum p̄t̄n. Et quod idem D. habeat de terra predicti Comundi ad valentiam &c. Et idem Comundus in m̄s hericozda &c. Et super hoc predictus J. p̄t̄n. Breve Dñi Regis & Dñe Regine Alcomiti Comitatus predicti dirigend de habere faciend et plenariam seisinam de Tenementis & Communiis predictis cum p̄t̄n. Et ei conceditur retornabile hic a die Sancte Trinitatis in tres septim̄ &c. Ad quem dtem venit predictus J. in propria persona sua Et tñc videt B. P. Armiger modo mand quod ipse virtute Brevis sibi directi octavo die Junii ult p̄terit habere seisinam p̄fat J. plenariam seisinam de Tenementis & Communiis p̄dictis cum p̄t̄n prout p Breve illud sibi preceptum fuit &c.

Note, you may also get ready your Writ of Seisin and seal it, and return it with your Writ of Entry. See after for a Writ of Seisin and Return.

* Note, The Writ of Seisin ought to be made returnable at least 15 days after the Return of the Writ of Entry; but if the Writ of Entry be returnable towards the latter end of the Term, so that

Anno

there are not 15 days between the Return of the Writ of Entry and the end of the Term; then the Writ of Seisin must be made [returnabile hic indilate] and the Writ of Seisin must always bear Tēte of the Return of the Writ of Entry when there is no Summons. See more concerning Writ of Seisin and Return after.

The Form of a Recovery with Double Voucher.

Berks' ff. J. D. Armiger in propria persona sua p̄t̄n versus A. D. Generosum & R. B. Generosum sex Meluagia unū Columbar' sex Gardina quadringentas Acr' Terre duodecim Acras Prati duodecim Acr' Pasture

Pasture viginti & quinq; Ac' Bosci outen-
 ras Ac' Zampnord & Wuerre Libertat du-
 ozum Faldagiorum & curs' Obium cum p'is
 in L. C. L. & C. G. ut jus & hereditatem
 suam & in que idem A. & K. non habent in-
 gressum nisi post disseisinam quam Hunc
 Hunc inde iniuste & sine iudicio fecit p'is
 J. infra triginta annos &c. Et unde dic' qd
 ipsemet fuit seisi' de Tenementis Libertat
 & curs' obium p'edict' cum p'is in domi-
 nico suo de leodo & jure tempore pacis tem-
 pore Dñi Regis & Dñe Regine nunc capien-
 inde exple's ad valentiam &c. Et in que &c.
 Et inde producat sectam &c.

Et p'edicti A. & K. in propriis personis se-
 ben & defend' jus suum quando &c. Et unde
 caut inde ad war' J. H. Armigerum qui p'is
 lens est hic in Cur' in propria persona &
 & gratis Tenementa Libertat & curs' obium
 p'edict' cum p'is eis war' &c. Et super
 hoc p'edictus J. D. pet' versus ipsum J. H.
 tenen' p' war' suam Tenementa Libertat
 curs' obium p'edict' cum p'is in forma p'is
 &c. Et unde dic' qd ipsemet fuit seisi' de Te-
 nementis Libertat & curs' obium p'edict' cum
 p'is in dnico suo ut de leodo & jure tempore
 pacis tempore Dñi Regis & Dñe Regine
 nunc capiend' inde exple's ad valentiam &c.
 Et in que &c. Et inde producat sectam &c.

Et p'edictus J. H. tenens p' War' suam
 defend' jus suum quando &c. Et ulterius hoc
 inde ad War' Comundum Clent qui simili-
 ter p'ens est hic in Cur' in propria persona
 sua & gratis Tenementa Libertat & curs' obium
 p'edict'

poict cum pertind ei war &c. Et super hoc poict J. D. pet usus ipsum Edmundum tenend p war suam Tenementa Libertat & curs obium poict cum ptind in forma predicta &c. Et unde dic qd ipsemet fuit seist de Tenementis Libertat & curs Obium poict cum ptind in dominico suo ut de feodo & iure tempore pacis tempore Dni Regis & Dne Regine nunc capiens inde explez ad valentiam &c. Et in que &c. Et inde pouc lectam &c.

Et predict Edmundus tenens p War sua defers ius suum quando &c. Et dic qd poict Hugo non disseibit pstat J. D. de Tenementis Libertat & curs Obium poict cum pertind prout idem J. p Breve & Narrationem sua predicta supius suppon Et de hoc pon se sup pactam &c.

Et poict J. D. pet licentiam inde interloquendi & habet &c. Et postea idem J. reberd hic in Cur isto eodem termino in propria persona sua & predict Edmundus licet solenniter exact non reberd set in contempt Cur recessit & defalt facit Ideo considerand est quod poict J. D. recuper seisinam suam usus pstat A. & R. de Tenementis Libertat & curs Obium poict cum ptind Et quod idem A. & R. habeant de Terra poict J. H. ad valentiam &c. Et qd idem J. H. ulterius habeat de Terra poict Edmundi ad valentiam &c. Et idem Edmundus in mia &c. Et sup hoc poict J. D. pet Breve Dni Regis Willelmi Comd poict dirigend de habere faciend ei plenariam seisinam de Tenementis Libertat & curs Obium poict cum pertind Et ei conced

* Note you
may suppose
Seisin to be
delivered any
reasonable
time between
the *Teste* and
Return allow-

ing that a Man might ride from *Westminster* to the Land and be-
again by that line, which may be supposed to be done in six days
any part of *England*.

dicitur retornabile hic in *Octabis Scti Willm*
et. Ad quem diem hic veni predictus J. in
in propria persona sua. Et tunc videtur
Armig modo mand quod ipse virtute Breve
predicti sibi directi vicesimo * die Decembris
ult prefat habere prefat J. D. plenariam
issuam de Tenementis libertat & cursu
pdict cum pntd prout p Breve illud sibi p-
ceptum fuit et.

The Form of a Recovery with Treble Voucher.

North' ff. J. H. in propria persona sua pnt
J. F. J. Generosum quatuor
Prati cum pntid in *Wellington* ali
Wellington & *Dodington* magna ut
& hereditatem suam Et in que form J. n
habet ingressum nisi post discessum qu
Hugo Hunt inde injuste & sine iudicio se
pfat J. infra triginta annos et. Et unde
quod ipsemet fuit seist de quatuor Acr p-
dict cum pntd in dominio suo ut de feodo
jure tempore pacis tempore Dni Regis &
Dne Regine nunc capiend inde exple ad
valentiam et. Et in quas et. Et inde pnt
lectam et.

Et predictus J. in propria persona sua veni
& defend jus suum quando et. Et voc inde
ad war R. D. de H. Juniozem Geni que
plens

plens est hic in Cur in propria psona sua
Et gratis quatuor Acr pdict cum pnd ei
war ec. Et sup hbc pdictus J. pet solus ip-
sum R. tenend p war suam quatuor Acr
pdict cum pnd in forma pdicta ec. Et unde
dic quod ipsemet fuit seist de quatuor Acr
pdict cum pnd in dominico suo ut de feodo
e iure tempore pacis tempore Domi Regis e
Dne Regine nunc capiend inde exple ad va-
lentiam ec. Et in quas ec. Et inde produc
lectam ec.

Et pdictus R. tenens p war suam de-
fend sus suum quando ec. Et ulterius voc
inde ad war R. D. de H. Ar qui similiter
plens est hic in Cur in propria psona sua e
gratis quatuor Acr pdict cum pnd ei war
ec. Et super hoc pdict J. pet solus ipsum
R. D. Armig tenend per war suam quatuor
Acr pdict cum pnd in forma pdict ec. Et
unde dic quod ipsemet fuit seist de quatuor
Acr pdict cum pnd in dominico suo ut de
feodo e iure tempore pacis tempore Domini
Regis e Dne Regine nunc capiend inde ex-
ples ad valentiam ec. Et in quas ec. Et inde
duc lectam ec.

Et pdictus R. D. Armig tenens per
war suam defend sus suum quando ec. Et
ulterius voc inde ad war Edmundum Glent
qui similiter plens est hic in Cur in propria
psona sua e gratis quatuor Acr pdict cum
pnd ei war ec. Et super hoc pdict J. pet
solus ipsum Edmundum tenend p war suam
quatuor Acr pdict cum pnd in form pdict
ec. Et unde dic quod ipsemet fuit seist de

quatuor Aeris p̄dict cum p̄iud in domini
suo ut de feodo & iure tempore pacis tempore
pacis Dñi Regis & Dñe Regine nunc capi
endo inde expleß ad valentiam &c. Et in quibus
&c. Et inde p̄duc sedam &c.

Et p̄dictus Edmundus tenens p̄ War
defendit ius suum quando &c. Et dicit quod
p̄dict Hugo non disseñsit p̄lat J. de quatuor
Aer p̄dict cum p̄iud p̄iud item J. p̄ War
& Parr sua p̄dict sup̄ius supponit Et de hoc
p̄iud se sup Parriam &c.

Et p̄dictus Iohes p̄t licentiam inde inter
loquendi Et habet &c. postea item Iohes
revertit hic in Cur isto eodem termino
propria p̄sona sua Et p̄dictus Edmundus
per sollempniter exact non revertit sed in con
temptum Cur recessit & default facit
In consideratum est quod p̄dict Iohes tenet
seisinam suam plus p̄lat J. de quatuor
p̄dict cum p̄iud Et quod idem J. habet
Terra p̄dict R. D. Genosi ad valentiam &c.
Et quod idem R. ulterius habeat de Terra
p̄dict R. D. Armigeri ad valentiam &c.
Et quod idem R. ulterius habeat de Terra
p̄dict Edmundi ad valentiam &c. Et item Edmun
dus in m̄ia &c. Et sup hoc p̄dictus J. p̄t
Breve Dñi Regis Wic Com p̄dict dirigens
de habere faciendū et plenā seisinam de qua
tuor Aeris p̄dict cum p̄iud Et ei concedi
tur retornabile hic indilate &c. postea scilicet
tertiodecimo die Februarii isto eodem ter
mino venit hic in Cur p̄dict J. in propria p̄
sona sua Et Wic videt H. S. modo manet
quod ipse virtute Brevis p̄dict sibi direct
octavo

octavo die Februarii ult pterit habere fee
stat J. plenar seisinam de quatuor Acris p
dict cum pnd put p Breve illud sibi pcept
fuit &c.

The Form of a Recovery with a Quadruple
Voucher.

S. H. **H**. L. Generosus & S. C. Generosus
in propriis personis suis petunt
fius M. C. Gen Maneria de Csted als Cl
vested Dumford alias Damford alias Demp
ford Didinge alias Devling Farnhurst
alias Farnest Awkesborne als Hawkisborne
alias Old Park Camoys Court Trotton als
Tratton alias Truddington Iford & Dawk
lingridge cum pnd Recnon centum Me
suagia centum Gardina quatuor mille Acr
Terre trescentas Acr Prati mill Acr Pastur
dingentas Acr Bosci quingentas Acr Jam
nozum & Vuere trescentas Acr Marisci & li
beram Marennam cum pnd in Csted als
Clvested Dumford als Damford als Demp
ford Diding alias Dedling Awkesborne als
Hawkisborne als Old Park Camoys Court
Trotton als Tratton alias Trudington I
ford Dallingridge Farnhurst als Fernhurst
Dreyford Terrick Worsham Rutstead alias
Rutstead Warcombe Dirclinge St. Johns
sub Castro de Lewes Chaley East Grim
stead Horsed Keynes Hodely alias Heath
ley & West Hodely alias West Heathley Ac
Advocationem Ecclesiar de Ruper & Hitch
ingfield ac sua & hereditatem suam Et in
que

que iidem P. & R. non habent ingressum nisi post decessum quam Hugo Hunt inde iniuste & sine iudicio fecit p̄fat. P. & S. infra triginta Annos &c. Et unde dicunt qd ipsimet fuerunt seisciti de Paneris Parco Tenementis libera Warena p̄dict cum p̄c̄in in dominico suo ut de feodo & iure Ac de Advocacione p̄dict ut de feodo & iure tempore pacis tempore Dñi Regis & Dñe Regine nunc capiend inde expleß ad valentiam &c. Et in que &c. Et inde pduc̄ sectam &c.

Et p̄dicti P. & R. in propriis personis suis vend & defend̄ ius suum quando &c. Et vocant inde ad war̄ T. C. Generosum qui p̄sens est hic in Cur̄ in propria p̄sona sua Et gratis Paneria Parcum Tenementa & liberam Warena p̄dict cum p̄c̄in ac Advocacione p̄dict eis war̄ &c. Et sup hoc p̄dicti P. & S. petunt versus ipsum T. tenend p war suam Paneria Parcum Tenementa & liberam Warena p̄dict cum p̄c̄in ac Advocacione p̄dict in forma p̄dict &c. Et unde dic̄ quod ipsimet fuerunt seisciti de Paneris Parco Tenementis & libera Warena p̄dict cum p̄c̄in in dominico suo ut de feodo & iure ac de Advocacione p̄dicta ut de feodo & iure tempore pacis tempore Dñi Regis & Dñe Regine nunc capiend inde expleß ad valentiam &c. Et in que &c. Et inde pduc̄ sectam &c.

Et p̄dictus T. tenens p war suam defend̄ ius suum quando &c. Et ulterius voc̄ inde ad war̄ J. B. Armiger qui similiter p̄sens est hic in Cur̄ in propria p̄sona sua Et gratis Paneria Parcum Tenementa & liberam Warena p̄dict

Warennam p̄dict cum p̄tū ac Advocatiōe
p̄dictam eis war' &c. Et super hoc p̄dicti
H. & S. petunt versus ipsum J. B. tenend p
war' suam Maneria Parcum Tenementa &
liberam Warennam p̄dict cum p̄tū ac Advoca-
tationem p̄dict in forma p̄dict &c. Et unde
dic' quod ipsimet fuerunt seisi' de Maneris
Parco Tenementis & libera Warennam p̄dictis
cum p̄tū in dominio suo ut de feodo & iure
ac de Advocatiōe p̄dict ut de feodo & iure
tempore pacis tempore Dñi Regis & Dñe
Regine nunc capiend' inde exple's ad valen-
tiam &c. Et in que &c. Et inde produc'
lectam &c.

Et p̄dictus J. B. tenens p war' suam des-
cend' ius suum quando &c. Et ulterius vocat
inde ad war' R. L. Militem qui similiter p̄-
tendit hic in Cur' in propria p̄sona sua Et
gratis Maneria Parcum Tenementa & liberam
Warennam p̄dict cum p̄tū ac Advocatiōe
p̄dict eis war' &c. Et super hoc p̄dicti H. &
S. petunt s̄lus ipsum R. L. tenend p war'
suam Maneria Parcum Tenementa & liberam
Warennam p̄dict cum p̄tū ac Advocatiōe
p̄dict in forma p̄dict &c. Et unde dic' quod
ipsimet fuerunt seisi' de Maneris Parco Te-
nementis & libera Warennam p̄dict cum p̄tū
in dominio ut de feodo & iure ac de Advoca-
tatione p̄dict ut de feodo & iure tempore pa-
cis tempore Dñi Regis & Dñe Regine nunc
capiend' inde exple's ad valentiam &c. Et in
que &c. Et inde produc' lectam &c.

Et p̄dictus R. L. tenens p war' suam des-
cend' ius suum quando &c. Et ulterius vocat
inde

inde ad war' Edmundum Glent qui similiter
 plens est hic in Cur' in ppria psona sua &
 gratis Maneria Parcum Teneūta & libera
 Warennam pōict cum pñd ac Abbocatione
 pōict eis war' &c. Et super hoc pōicti H. &
 S. petunt qd' ipsi Edmundum tenendū
 war' suam Maneria Parcum Teneūta &
 liberam Warennam pōict cum pñd ac Ab-
 bocationem pōict in forma pōict &c. Et unde
 dicunt quod ipsimet fuerunt seisiiti de Man-
 eris Parco Teneūtis & libera Warennam p-
 dōictis cum pñd in dominico suo ac de feodo
 & iure ac de Abbocatione pōict ut de feodo
 iure tempore pacis tempore Dñi Regis &
 Dñe Regine nunc capiendū inde exple's ad va-
 lentiam &c. Et in que &c. Et inde produ-
 lectam &c.

Et pōictus Edmundus tenens p war' suā
 defend' suū suū quando &c. Et dic' qd' p-
 dōictus Hugo non disseisavit pñt H. & S. de
 Maneris Parco Teneūtis & libera Warennam
 pōictis cum pñd ac de Abbocatione pōict
 pñt libem H. & S. p Breve & Parr' sua
 pōict superius suppon' Et de hoc pñd se sup
 Patriam &c.

Et pōict H. & S. petunt licentiam inde in-
 terloquendi Et habent &c. Et postea libem
 H. & S. revid' hic in Cur' isto eodem Ter-
 mino in propriis personis suis & pōictus Ed-
 mundus licet solempniter exact' non revid'
 set in cōtemprium Curie recessit & defalt' facit
 Ideo consideratum est qd' pōict H. & S. retu-
 perent seisinam suam qd' pñt H. & S. de
 Maneris Parco Teneūtis & libera Warennam
 pñd

predict cum p^{ri}m ac de Advocacione p^{ro}dict
Et q^{uo}d idem M. R. habeant de Terra p^{ro}dict
T. C. ad valentiam &c. Et q^{uo}d idem T. C.
ulterius habeat de Terra p^{ro}dict J. B. ad
valentiam &c. Et quod idem J. B. ulterius
habeat de Terra p^{ro}dict R. A. ad valentiam &c.
Et q^{uo}d idem R. A. ulterius habeat de Terra
p^{ro}dict Edmundi ad valentiam &c. Et idem
Edmundus in m^ultis &c. Et sup hoc p^{ro}dict H.
& S. petunt Breve D^{omi}ni Regis Ric^{ardi} Com^{itis}
p^{ro}dict dirigend de habere faciend eis plenar^{em}
seisinam de Maneriis Parco Tenementis & li-
bera Warrenna p^{ro}dict cum p^{ri}m ac de Advoca-
tione p^{ro}dict Et ei conceditur recognabile
hic indilate &c. Postea scilicet duodecimo die
Februarii isto eodem Termino veni hic in
Cur^{ia} p^{ro}dict H. & S. in propria p^{er}sona sua Et
hic videlicet Thomas Piers Baronettus mo-
do mand q^{uo}d ipse virtute Brevis p^{ro}dict sibi di-
recti septimo die Februarii ult^{imo} p^{re}terit habere
fecit p^{re}fat H. & S. plenar^{em} seisinam de Maner-
iis Parco Tenentis & libera Warrenna p^{ro}dict
ad p^{ri}m ac de Advocacione p^{ro}dict put p^{er} Breve
illud sibi p^{re}ceptum fuit &c.

Your Recovery being thus drawn, you must
next enter it upon a Plea Roll which the Pro-
thonorary will give you for that purpose.

The next thing is to make an Exemplifica-
tion for your Client, which you may do after
the manner following.

The

The Exemplification of a Recovery with single Voucher where the Parties appear in person at the Bar.

* According to the number of the Roll you entred it on.

* i. e. according to the Recovery you entred on the Roll.

CWillelmus & Maria Dei gra Angl
Scot Franc & Hibnie Rex & Re
gina fidei Defens &c. Omnibus ad quos
presentes Litere nostre pervenerint salutem
Sciatis qd inter Placita Terre irrotulat a
pud Willelmum coram Georgio Treby Mil
sociis suis Justis nostris de Banco de Ter
mino Scti Michaelis Anno Regni nri quarto
Rotulo * vicelimo quarto continetur Sic
Willelmus & Maria Armis in propria persona sum
pet versus D. W. Genitoria Mesuagia sep
tem Cardina &c. [Setting forth the whole
Recovery verbatim according to the * President
with single Voucher unto the end of these words]
prout p Breve illud sibi preceptum fuit &c.
Que omnia & singula ad requisitionem Joct
J. H. tenore presentium durimus exemplifi
cans In cuius rei testimonium sigillum
nostrum ad Brevia in Banco Joct sigillans
deputat presentibus apponi fecimus Teste
Georgio Treby apud Willelmum vicelimo octavo
die Novembriis Anno Regni nri quarto.

The same Form may serve for Recovery with double or treble Voucher, &c. *mutatis mutandis.*

Note, You must teste your Exemplification after the Return of the Writ of Scisin; but if there

there be not * fifteen days between the Return of the Writ of Entry (or a Writ of Summons when by Summons) and the end of the Term; then must the Writ of Seisin be returnable *indilata*; and the Exemplification must bear *Teste* the last day of the Term in which the Writ of Entry (or Summons) came in.

Note also that if the Writ of Entry (or Summons when necessary) be returnable so late in the Term, that the Writ of Seisin cannot come in returnable in the same Term, but that it must be returnable the next * Term. Then in your Exemplification you must observe, That after awarding the Return of the Writ of Seisin, you must break off and conclude as before, *Que omnia &c.* And then upon the folding up of the bottom of the Exemplification, or on the Label you must endorfe thus, *Ad quem diem hic veni p̄dict (the Demandant) in p̄pria persona sua Et sic vide It. A. B. modo mand qd ipse virtute Brevis illi sibi directi vicefimo * die Junii ult p̄terit habere sec̄ p̄fat (the Demandant) plenar̄ seisinam de Tene-mentis p̄dict cum p̄iud put p̄ Breve illud sibi p̄ceptum fuit &c.* But in the Roll there is not any such distinction.

* As when 'tis returnable *Ostab. Trin.* or *Quinden' Trin.* there are not 15 days from the *Teste* of *Ostab. Trin.* or *Quinden' Trin.* until *Tres Trin.*

* As when the Writ of Entry or Summons, is returnable the last Return of any Term (except Easter Term) then the Writ of Seisin must be awarded the first Return of the next Term; but if of Easter Term then the second Return of *Trin. Term*

* Note, this Execution of

the Writ of Seisin may be supposed on any day, not being Sunday, between the *Teste* and the Return of the Writ of Seisin, so that you allow time enough that one may be supposed to ride from *Westminster* to the Land and back again by that day. See more hereafter.

Your Exemplification being thus made, and also your Writ of Seisin [in the mean time] being made and returned as of course: Then
examina

examine your Recovery with the Prothonotary (having first perfected the Precipe in the Remembrance according to the *Teste* and Return of your Writ of Entry as is afore observed) then Docket your Recovery, which done, the Prothonotary will sign your Exemplification which with your Writ of Seisin you must get sealed; and then you must be careful to see both

* Note, they must be both signed by the Clerk of the Enrolment Office, to whom you

must pay 2 s. 6 d. out of which he alloweth 6 d. to the Clerk that

your Writ of Entry and * Seisin filed with the *Custos Brevium* of the Common Pleas; for that is the Warranty for your Proceedings had: And then you have no more to do, but to deliver the Exemplification of the Recovery to your Client.

Note, If your Client will be at the Charge, you may have both the Writs of Seisin and Entry exemplified with their Returns for fear of any miscarriage in filing them, which Exemplifications are usually had at the Enrolment Office. For by the Statute 23 *Eliz.* c. 3. an Office was erected for the Enrolment of Writs of * Entry and Seisin and Writs of Covenant, &c. And it is thereby Enacted, That the Exemplifications of such Writs shall have the same force and power as Writs themselves: The Form whereof you may find after.

* Also you may exemplify your Writs of Summons and Warrants of Attorney, &c.

Thus have I shewn you step by step, how to pass a Recovery at the Bar with the Exemplifications thereof; next I will endeavour to shew you how to sue forth a Recovery by *Dedimus Potestatem* and Warrant of Attorney.

When

When your Tenant or Vouchers will not or cannot come into the Court in person, you must pass your Recovery by Warrant of Attorney.

These Warrants of Attorney may be taken two several ways.

1. Either by any of the Judges of Assize of either Bench, Barons of the Exchequer, and as some say, by Sergeants at Law in their Circuits without a *Dedimus Potestatem*: Or,

2. By a *Dedimus Potestatem* directed to Commissioners in the Country.

First then by Warrant of Attorney before a Judge (&c.) for the Tenant.

Warrant of
Attorney for
Tenant in
single Voucher

Draw up your Warrant in Parchment thus :

Ebor' ff. **P** Recipe C. D. Ar' quod iuste &c.
reddat A. B. Cens viginti Mes-
suag & quinque Cardina cum perrin in C.
anc claud &c.

Ebor' ff. **C** D. Armig po. lo. suo J. G. &
H. J. conjunctim & divisim ver-
sus A. B. Cens de plito Terre.

Note, there
must be two
Attorneys
at the least
and their
Authority
joint and se-
veral, that if
one dye, the
other may
proceed, &c.

This done go with the Party before the Judge and he will underwrite the day of the Caption, or you may rather underwrite it your self thus,

Capt & Cognit decimo die Aug
Anno Regni Dni Willi & Dne
Marie Regis & Regine nunc &c.
quarto coram

G. Treby.

To which the
Judge puts his
Hand,

R

Note;

Recoveries.

Note, There must be a Transcript in Paper to which the Judge also puts his Hand, and then is to remain with the Clerk of the Fines.

Next, you must proceed to get your Writ of Entry made and passed through the Alienation Office, where it must be signed by the Commissioners, and entred into their Book; then carry it back to the Curfitor to be sealed; and from thence to the Kings Attorney General for his Hand.

Then enter your Precipe on the Remembrance with the Note in the Margin, and next pass your Recovery at the Bar, &c.

Warrant of
Attorney for
the Tenant
and Voucher
in a double
Voucher.

See more after of the Entry and Proceedings in a Recovery with single Voucher, when the Tenant appeareth by Warrant of Attorney taken before a Judge. fol. 253:

If both the Tenant and Voucher appear by Attorney; then draw your Warrants of Attorney thus, for a Recovery with double Voucher.

Wilt' ff. **P**recipe J. W. qd iuste &c. reddat
R. C. und Desuag & detem Act
Terre cum ptin in P. que claud &c.

Wilt' ff. **J** W. po. lo. suo R. M. & L. L. Act
coram suos conjunctim & divisim
plus R. C. de plico Terre &c.

Wilt' ff. **H** P. quem J. W. voc ad Warr
po. lo. suo R. S. & J. P. con-
junctim & divisim plus R. C. de plico Terre.
Capt & cognit (ut supra,)

G. Treby.

Recovertes.

243

If with a treble Voucher, then the Warrants must be drawn thus,

Warrant of Attorney for Tenant and two Vouchers in a treble Voucher.

Lincoln' ff. **P**recipe C. W. quod iuste &c. reddat W. G. decem Mesuagium cum pertinentiis in S. que claud &c.

Lincoln' ff. **E**. W. po. lo. suo J. L. & J. A. conjunctim & divisim versus W. G. de p'tio Terre &c.

Lincoln' ff. **J**. D. quem C. W. voc' ad Warr po. lo. suo J. S. & W. R. conjunctim & divisim versus W. G. de p'tio Terre &c.

Lincoln' ff. **O**. D. quem J. D. voc' ad Warr po. lo. suo W. T. & J. C. conjunctim & divisim versus W. G. de p'tio Terre &c.

Capt & cognit &c. (ut supra.)

G. T.

Next proceed to get your Writ of Entry Note, you made and passed through the Alienation Office, must make which done, seal it; then it must be entred on due Entry up. the Roll, and a Writ of Summons awarded, on Record of all your Proceedings as they go on, for which see of the Writ of Entry inclusive. You must after. also make a Copy of the Declaration you entred in Parchment, which together with the Writ of Summons and Warrant of Attorney must be examined with the Prothonotary by the Writ

of Entry and the Roll; then must you return the Writ of Entry and file it: The Writ of Summons you must seal, and keep it fixt together with the Warrant of Attorney and Copy of Declaration till the Writ of Summons be returnable, at which time you must bring the same into Court, and deliver it to one of the Serjeants, who will draw it at the Bar as the manner is. Then paying your Fees you must take it from the Serjeant, and give it to the Prothonotary who will mark it [*ad Barram*] and give it you again. Then you must complete your Entry on the Roll and prepare for the Exemplification and perfect the Recovery as is before directed.

See after for the Entry and Proceedings in these Cases when both Tenant and Voucher appear by Warrant of Attorney taken before a Judge.

Note, that although the Tenant appear by Warrant of Attorney if either the Recovery be a single Voucher, or the Vouchers come in person, it needed no Summons, and so may be a perfect Recovery of one Term.

Note, you must carefully file all your Warrants of Attorney with the Clerk of the Warrants, and all your Writs whatsoever with the *Custos Brevium*.

How to take Warrants by Dedimus Potestatem, and to enter and pass the Recoveries thereupon,

WHen you take your Warrants by *Dedimus Potestatem*, you must procure your

your *Dedimus* in the same manner, as when tis
to take a Fine, viz.

Draw your *Precipe* in Paper for the Cursitor
to make the *Dedimus* by, and then deliver it
to the Cursitor of the County, having first writ-
ten the Commissioners Names thereon, whereof
one to be a Knight, thus:

Lincoln' sh. *Precipe* C. W. quod iuste &c.
reddat W. G. decem Mesuag
cum p'tid in S. que claud &c.

Deb Pot direct { A. B. Mil.
C. D. Armig',
E. F. } Gen'.
G. H. }

If your *Dedimus* be for Vouchers, you must
put down their Names in the Instructions.

Take your *Dedimus* and deliver it to the Commissioners with a *Precipe* and Warrant or
Warrants of Attorney ingrossed, and let the Commissioners take the Caption, and then en-
ter it thus; Note, the
Vouchee
must set his
Hand to the
Warrant.

Capit & Cognit apud S. in Comd
L. decimo quinto die Aug Anno
Regni Dni Willelmi & Dne Ma-
rie Regis & Regine nunc &c.
quarto coram

A. B.
C. D.

R 3

You

You must also return the *Dedimus* on the back thus :

Executio istius Brevis (or Commissionis) patet in quadam Scedula huius Brevis annex.

And then file the Precipe and Warrant to the back of the *Dedimus*, and so return it into the Court of Common Pleas.

If after the Caption any of the Commissioners refuse to return it, the Party grieved may by *Certiorari* compel him that hath it in his Custody, his Executors or Administrators to certify it : The Form of which *Certiorari* see after.

If one of the Commissioners, who take the Cognizance be not a Knight (as many times happens) then a Certificate must be drawn up upon the Back of the Precipe and Warrants ; and then to be carried to a Judge for his *Allocatur* ; the Form whereof may be thus :

A. B. Gent. one of the Commissioners in the Writ of Dedimus, named, maketh Oath, that these Warrants were duly taken, the Vouches being of full Age. A. B.

And note, it is not held necessary to examine a Feme Covert when she joins with her Husband to suffer a Recovery ; yet it is thought to be prudential, *Pract. Reg.* 295.

Dedimus upon
single Voucher

Now observe, That if your *Dedimus* was only to take the Warrant of the Tenant upon a Recovery

Recovery with single Voucher, then after it is returned, as above, by the Commissioners, carry your Caption back again to the Curfitor, who will make you a * Mittimus and Transcript of all your Proceedings.

* The Mittimus is to send the Tenor or

Transcript to the Common Pleas, folding up the Transcript in the Writ of Mittimus, and so he sealeth the Writ of Mittimus.

Then proceed to your Writ of Entry, and enter the Precipe upon the Remembrance, and make the Note in the Margent thus :

*Petens in propria persona tenens p A. B.
hoc Eand Client.*

Note, You must open your Mittimus and then file the Writ of Entry and Mittimus together, and deliver them with the Remembrance to a Serjeant, and so the Recovery passeth as the manner is at the Bar. Then you must enter your Mittimus and Transcript in a small Hand upon the Plea Roll (taken from the Prothonotary) beginning with the Mittimus, which having recorded *verbatim & literatim*, then in one continued Line, begin, and go on with the annexed Transcript of the Writ of *Dedimus*, and do the like to the end; and then about a Thumbs breadth distance begin underneath and make an Entry of your Recovery in great Hand on the same Roll, and then prepare for your Exemplification, &c. as before directed.

The Entry of the Mittimus begins thus :
Dominus Rex & Domina Regina mand' Justic' suis de Banco Breve suum el'm in hec verba ;
and so recte the Mittimus, &c. See after.
Note, You have only a Transcript of the *Dedimus*.

Note, Remember to file your Warrant of Attorney with the Clerk of the Warrants.

See more of Proceedings when the Tenant cometh not in person, but by Attorney, when the Recovery is with single Voucher.

Quest of this.

Dedimus upon double Voucher.

But if your Recovery be with a double Voucher (which is most usual) and the Tenant to the Precipe do not appear at the Bar; then you must proceed as followeth: You must sue out a Writ of Summons against the Vouchee together with a *Dedimus Potestatem*, as before directed, to take the Warrants. And at the fifth Return inclusive from the Writ of Entry (accounting that of the Writ of Entry for one) the Writ of Summons returned together with a Transcript of the Entry of the Summons being fairly ingrossed, and a Transcript of the Caption being, as before, made by the Cursitor, being all fixed together, you may so pass at the Bar.

Note, no Summons or Warrant against the Common Vouchee.

But note, that if your Tenant do appear at Bar, then you must have a Writ of Summons against the Vouchee, and so against every Vouchee, except the common Vouchee, if it be with more Vouchers, and proceed therein as before directed. See for the Entry of these after.

You must make due Entries upon Record of all your Proceedings as they go on.

Note, Having ingrossed your Summons in Parchment, you may examin it by the Roll with the Prothonotary. In like manner you may pass it at the Bar by the Return of the Caption before you have a Transcript thereof from the Cursitor as well as afterwards.

See

See more hereafter of the Entries and Proceedings when the Warrants are taken by *Dei-
mus Potestatem*.

Having necessarily spoken before of Writs of Entry, Summons and Seisin; I will next set down the Forms thereof with some observations thereon.

And first of a Writ of Entry; yet 'tis the Business of the Curfitor of the County where the Lands lye to make it.

The Form of a Writ of Entry out of the Chancery.

Guilielmus & Maria Dei gra Angl Scot
Franc & Hibnie Rex & Regina fidei
Defensæ &c. Vñc Vñd saltē Precipe A. B.
quod iure & sine dilatione reddat C. D. qua-
tuor Messuagia quatuor Cardina ducentas
Acras Terre centum Acras Prati trescentas
Acras Pasture quadraginta Acras Bosci &
trescentas Acras Jampnozū & Vuere cum
pñd in C. que clamat esse ius & hereditatem
suam Et in que idem A. non habet ingreſſū
niſi poſt diſſeiſinam quam Hugo Hunt inde
injuſte & ſine Iudicio fecit pñat C. D. infra
trigintꝝ Annos ſam ult elapſꝝ ut dic Et unde
queritur quod pñat A. B. ei deſoꝝ Et niſi
fec Et pñat C. D. fec te ſecur de clamꝝ ſuo
proſ tunc ſumꝝ per bonos ſumꝝ pñat A. B.
quod ſit coram Juſticꝝ nꝛis apud Weſtmꝝ a
die Sꝛi Michaelis in tres ſeptimanas oſten-
ſur quare non fec Et habeas ibi ſumꝝ & hoc
Breve Teſte nobis iſtis apud Weſtmꝝ &c.

It

It is returned thus :

Pleg de pros } Johannes Doe,
Richardus Roe.

Sund } Johann Den,
Richard Fen.

R. S. Ar Vic.

The Form of a Writ of Summons out of the
Common Pleas.

* Note, There were formerly nine Returns between the Return of the Writ of Entry and Return of the Writ of Summons, and so betwixt one Writ of Summons and another : But by the Statute

17 Car. 2. c. 6.

they are abridged to five Returns inclusive ; as for example, If the Writ of Entry be returnable *Tres Mich'* then the Writ of Summons must be returnable *Octab' Martini* ; if the Writ of Entry *Men' Mich'* then the Summons *Quinden' Martini* ; if the Writ of Entry *cras' Animarum*, then the Summons *Octab. Hill.* accounting the Return of the Writ of Entry for one, and then the fifth Return is the Return of the Summons ; and so it is betwixt one Summons and another.

in

Guilielmus & Maria Dei gra Angl Scot
Franc & Hibnie Rex & Regina Fidei
Defens &c. Vic Pios saltem Sund p bonos
sund J. S. (the Vouchee) quod sit coram Jus
tie nostris apud Westm in * Octab Sancti
Martini ad warrantizandum A. B. quatuor
Mesuagia quatuor Cardina ducentas Acres
Terre centum Acres Prati trescentas Acres
Pasture quadraginta Acres Bosci & trescent
Acres Jampnozumi & Bruere cum ptiis in
C. que C. D. in Cur nostra coram Justie
nostris apud Westm calid ut jus suum ver
sus pstat A. B. p Breve nostrum de ingressu
super dissestinam in le Post Et inde idem
A. B. in ead Cur nra voc pducit J. S. Sund

in Com^o tuo ad Warr^o versus eum Et ha^o
beas ibi sum^o & hoc Breve Teste Georg^o
Treby apud Westm^o * vicesimo quarto die
Octobris Anno Regni n^{ri} quarto.

* The first
Writ of Sum-
mons must
bear Teste the

fourth day from the Return of the Writ of Entry; and so a second
Summons from the Return of the first.

And it is returned after this manner:

Sum^o { Johes Denn, } R. S. At Wic.
Ric^o Fenn,

The Returns of the Four Terms.

Mich. Term { Tres Mich } a die S^{ci} Michaelis in tres septiman^{as}.
{ Mens Mich } a die S^{ci} Mich in unum Mens^{em}.
{ Crast. Anim^o } in Crastino Animarum.
{ Crast. Mart } in Crastino Sancti Martini.
{ Octab Mart } in Octab Sancti Martini.
{ Quind Mart } a die S^{ci} Martini in quindecim dies.

Hill. Term { Octab Hill } in Octab Sancti Hillarii.
{ Quind Hill } a die Sancti Hillarii in quindecim dies.
{ Crast. Pur } in Crastino Pur^o beatæ Mariæ Virginis.
{ Octab Pur } in Octab Pur^o beatæ Mariæ Virginis.

Easter Term { Quind Pasc. } a die Pasch in quindecim dies.
{ Tres Pasc } a die Pasch in tres septimanas.
{ Mens Pasc } a die Pasch in unum mens^{em}.
{ Quinq^{us} Pas. } a die Pasch in quinque septimanas.
{ Crast. Ascen } in Crastino Ascensionis Domini.

Trin. Term { Crast. Trin } in Crastino Sanctæ Trinitatis.
{ Octab Trin } in Octab Sanctæ Trinitatis.
{ Quind Trin } a die S^{cæ} Trin in quindecim dies.
{ Tres Trin } a die S^{cæ} Trin in tres septimanas.

The

The Form of a Writ of Summons for the second Vouchee:

* The fifth
Return from
the first Sum-
mons inclusive

* The 4th
day from the
Return-day
of the first
Summons in-
clusive.

Willus & Maria (cc.) Vic Mido sa-
lutem Sum per bonos suum T. W.
(the second Vouchee) quod sit coram Justic
nostris apud Westm in * Crastino Pur
beate Marie Virginis ad warrantizand J. S.
quem A. B. als in Cur nostra coram Ju-
stic nostris apud Westm hoc ad warr qua-
tuor Mesuagia &c. (naming the Parcels) cum
prim in C. que C. D. in Cur nostra coram
Justic nostris apud Westm clam ut jus
suum versus predict A. per Breve nostrum
de ingressu super disseisinam in le Post Et
unde idem J. in eadem Cur nostra ulterius
hoc predict T. W. suum in Com tuo ad
warr versus eum Et habeas ibi suum & hoc
Breve Teste G. Treby apud Westm vice-
simo primo * die Novembris Anno Regni
nostri quarto.

Sum { Jo. Denn, } R. S. Ar Vic.
Ric. Fem. }

The Form of a Writ of Seisin.

Willus & Maria Dei gra Angl Scoe
Franc & Hibernie Rex & Regina Fidei
Defens &c. Vic Mido saltem Scias quod
C. D. in Cur nostra coram Justic nostris
apud Westm recuperavit seisinam suam
versus

versus A. B. de quatuor Mesuagis quatuor
Cardinis &c. (naming the Parceles) p Breve
nostrum de ingressu super disseisinam in le
Post Ideo tibi precipimus quod prefat C.
plenar seisinam de Tenementis p'dictis cum
ptin sine dilacione habere fac Et qualiter hoc
precept nostr fueris exact constare fac Justic
nostris apud Westm * indilate Et habeas
ibi hoc Breve Teste G. Treby apud Westm
quinto die Febr Anno Regni nri quarto.

* Indilate, be-
cause not 15
days in Hil-
Term from

the Teste. The Teste being the fourth day inclusive from the Return of
the second Summons, if not Sunday.

The Return of the Writ of Seisin is after
this manner:

Virtute istius Brevis mihi direct * de
ctimo die Februarii Anno infrascript
habere feci infranominat C. D. plenar sei-
sinam de Tenementis infralpe cum ptinen
put interius mihi p'cipitur. R. S. Ar Wic.

* Any reason-
able day be-
twixt the Teste
and Return, so
it be not Sun-
day as is be-
fore observed.

The manner of entring these Writs you will
find amongst the Presidents of Entries follow-
ing; as also the Form of a *Mittimus* and *De-
dimus* spoken of before, and the manner of en-
tring the same.

*Proceedings in a Recovery with single Voucher,
when the Tenant cometh not in Person but by
Warrant of Attorney taken before a Judge.*

First draw your Warrant of Attorney in Parch-
ment, as before observed fol. 241. thus:

Ebor'

Ebor' ff. **P** Recipe C. D. Arm qd fuisse &c.
reddat A. B. gen' viginta me-
suag & quinq' gardina cum p'ind in C. que
clam &c.

Ebor' ff. **C.** D. Arm p' lo suo F. G. &
H. I. conjunctim & divisim ver-
sus A. B. gen' de p'lio terre.

Capit & cognit' decimo die Augusti
Anno Regni Domini Willi &
Domine Marie Regis & Re-
gine nunc &c. quarto coram
G. T.

There must be also a Transcript of this War-
rant in Paper, to which the Judge sets his
Hand for the Clerk of the Fines.

See before,
fol. 241, 242.

When the Warrant is acknowledged, then
sue forth your Writ of Entry, as is before ob-
served, and take a Note of it into the Remem-
brance, as before, and a Note into the Margin
thereof after this manner:

Ebor' ff. **T** Cuens in p'p' p'sona voc' Comd
Clent &c.

Then you may pass it at the Bar, as the man-
ner is.

Next prepare for your Entry on the Plea Roll,
after this manner.

Ebor' ff. **A.** B. gen' in p'p' p'sona sua pet
vers' C. D. Arm viginta pe-
suag

suavia & quinq; Cardina cum pñd in C. ut
jus & hereditat suam Et in que idem C. non
habet ingressum nisi post disseisinam quam
Hugo Hunt inde injuste & sine iudicio fecit
pñt A. infra triginta annos &c. Et unde
dic qđ ipsemet fuit seist de Tenementis
pñt cum pñd in dominico suo ut de feodo &
jure tempore pacis tēpore Dñi Regis & Do-
mine Regine nunc capiend inde Expleš ad
valenc &c. Et in que &c. Et inde produc
lect &c.

Et pñt C. D. p J. G. Attozñ suñ ven
& defend jus suum quando &c. Et hoc inde
ad Warr Edm Clent qui pñtens est hic in
Cur in propñ pñd sua Et gratis Tēta
pñt cum pñd ei Warr &c. Et sup hoc pñt
A. B. pet verš ipñm Edm Tenend per
Warr suam tēta pñt cum pñd in forma
pñt &c. Et unde dic qđ ipsemet fuit seist
de tētis pñt cum pñd in dominico suo ut
de feodo & jure tempore pacis tempore Dñi
Regis & Dñe Regine nunc capiend inde ex-
ples ad valenc &c. Et in que &c. Et inde
produc lectam &c. Et pñt Edm tenens
p Warr suam defend jus suum quando &c.
Et dic qđ pñt Hugo non disseisvit pñt
A. de tētis pñt cum pñd pñt idem A. p
bñe & narr sua pñt supius suppon Et de
hoc pñd se sup patriam Et pñt A. pet li-
tenciam inde interloquendi Et habet &c.
Et postea idem A. reven hic in Cur isto eod
Termino in propñia persona sua Et pñt
Edm licet solempnit exact non reven sed
in contempt Cur recessit Et defalt fecit

Tenant calls
Common
Vouchee.

Who enters
into Warranty

Pleads non dis-
seisvit.

Demandant
imparles.

Common
Vouchee
Ideo makes default.

Judgment and
Recovery in
value.

Ideo cons̄ est qđ p̄es A. recuperet seisinam suam vers̄ p̄fat C. de tētis p̄es cum p̄tnd Et qđ idem C. habeat de terra p̄es Commun- di ad valenciam &c. Et idem Cōmus in p̄ia &c. Et sup hoc idem A. p̄t b̄e Dñi Regis & Dñe Regine Ric Cōnd p̄es dñ- gent de habere faciend ei plenar seisinam de tētis p̄es cum p̄tnd Et ei conceditur retornabile hic a die Scē Trin in tres sep- timanas Ad quem diem veni hic in Cur p̄es A. in propr p̄sua sua Et vic videt J. S. Bar modo mans qđ ipse virtute b̄is p̄es sibi direct octavo die Junii ult p̄etit habere fec p̄fat A. plenar seisinam de tētis p̄es cum p̄tnd prout p b̄e illud sibi p̄ceptum fuit &c.

Note, Seisin may be said to be return'd any reasonable time betwixt the *Teste* and return of the Writ which must bear *Teste* the fourth day from the return of the Writ of Entry.

Next perfect your Remembrance, and make your Exemplification as before directed, and seal and file your Writs and Warrants of At- torney, &c.

Proceedings when the Tenant cometh not in Person, but by Attorney, when the Recovery is with single Voucher taken by Dedimus to special Commissioners.

Sometimes the Tenant appeareth not at the Bar in Person, but cometh by his Attorney made by Warrant acknowledg'd before the Chief Justice, Justice of Assize, or Serjeant at Law, or other special Commissioners, as before.

Form

Form of the Warrant in the Case aforesaid.

Ebor' ff. **P**recipe H. C. Ar' qd' iuste &c. r'
R. H. viginf meluag & quinqz
gardina cum p'uid in L. que claud &c.

Ebor' ff. **H**enr C. Ar' po. To suo H. B. &
W. H. conjunctim & divisim
versus R. H. de plito terre &c.

Note, When this Warrant for the Tenant is to be taken before a Serjeant or special Commissioners, then a **Dedimus Potestatem** must be sued forth.

Note, Some hold that a Serjeant may take without a **Dedimus**, sed quare.]

The Execution whereof is as before, and a **Mittimus** and a Writ of Entry; and if it be a single Voucher, then the Note of Entry must be thus:

• **P**etens propr' p'sona Tenens per Henricum Barbour voc' Humston, (or Joh' Wheeler, i. e. the Common Vouchee.

Single Voucher by Dedimus.

Then file the Writ of Entry and Mittimus together, and deliver them with a Remembrance to a Serjeant, and so the Recovery passeth at the Bar. Enter the Mittimus thus in a small hand:

Dominus Rex & Domina Regina mand
Justic' suis de Banco hic bre suum de Mit
timus clausum unacum tenore cuiusdam brevis
de Ded Pot de war Attorid recipiend & res
torid ejusde necnon war Attorid inde recept
in hec vba, Gulielmus & Maria &c. So reciting it

S

with

with the *Deditus* to the end, and then about an Inch under enter your Recovery in large Hand thus.

Ebor' ff. **R.** *H. in propria persona sua vel
versus H. C. Ar vigint Me-
suag (ut ante.) Et pced H. p H. H. Ar
cozū suū veid & defend jus suū quando
ec. Et hoc inde ad war Georgium Humston
qui plens (ut ante.)*

Remember to file your Warrant of Attorny with the Clerk of the Warrants (as before.)

*Proceedings when neither the Tenant nor Vouchet
cometh in Person, but by Warrant of At-
torny, when the Recovery is with double
Voucher, the Warrants taken before a Judge.*

Now when the Recovery is to be with double Voucher, and if neither the Tenant nor Vouchet appeareth in Person, then the usual way is for both of them to acknowledge Warrants of Attorny, which if acknowledged before the Chief Justice, or Justice of Assize, the form of them is thus.

Double Vou-
cher by War-
rants before a
Judge.

Wiltes' ff. **P**recipe J. W. qđ iuste ec. red-
dat H. C. unum mesuag &
decem acr' terr' cum pūid in M. & S. que
clard ec.

Wiltes' ff. **J.** W. pō lo. suo A. R. & T. T.
Attorn suos conjunctim & di-
visim versus H. C. de plico terre ec.

Wiltes'

Wiltēs' ff. **H.** Morgan quem J. W. voc' ad
war pō lo suo R. S. & J. P.
conjunctim & divisim versus R. C. de plico
terre &c.

Capit & cogit 10 die August' Anno
Regni Dñi Regis Caroli secundi
14 coram

Orp Bridgeman,
John Willis,
Henr' Morgan.

When the Warrants are acknowledged, then
the Writ of Entry is to be sued forth, and a
Note of it taken into the Remembrance, and
the Note in the Margin must be in this
manner :

Petend in prope' psona Tenend p. A. R. voc
Henr' Morgan unde sum in Comd ptes
ret Dct Martini.

This is not drawn at the Bar until the re-
turn of the Summons. But an Entry must
be made upon the Roll of the Demand, and
the Count against the Tenant, and the Tenants
Voucher over ; and the awarding of the Sum-
mons against the Vouchee as followeth.

Wiltēs' ff. **R. C.** in propria psona sua pet
versus J. W. unum meuas-
gium (ut ante) Et inde pduc' sectam &c.

S 2

Et

Et pꝛeꝛ J. p A. R. Attoꝝ suum veni & defendi suum quando ꝛc. Et voc inde ad war Henricum Morgan suum in Com pꝛeꝛ habeant eum hic in Det Martini p auxilium Cur ꝛc. Idem dies dat est partibus pꝛeꝛ hic ꝛc. A Transcript of this must be made, and a Writ of Summons as before. Then file the Writ of Summons to the Transcript with the Warrant, and at the return of the Writ, deliver these thus filed together to a Serjeant at the Bar, and the Recovery will pass the Bar.

The 2d. Entry of a Recovery, when both the Tenant and Vouchee come by Warrant of Attorney.

Wiltes' ff. **R**ichardus Ellis in ppria persona sua pet versus Johem W. unum messuagium & decem acras terrarum pꝛiꝛ in P. & S. ut jus & hereditatem suam Et in que idem Johes non habet ingꝛeꝛ nisi post disseisinaꝛ quam Hugo Hunc inde injuste & sine iudicio fecit pꝛfat R. infra triginta annos ꝛc.

Et pꝛeꝛ J. p A. B. Attoꝝ suum veni & alias voc inde ad war Henricum Morgan qui modo p suam et in Com pꝛeꝛ suam per W. S. Attoꝝ suum sicut veni Et gratis (ut in ap) Et inde pꝛuce sect ꝛc.

Et pꝛeꝛ Henr Tenens p war suam defendi suum quando ꝛc. Et ultius voc inde ad war Georgium * Bumston qui plens est hic in Cur in ppria psona sua Et gratis (ut ante) to the return of the Writ of Seisin.

* The Common Vouchee.

Pro-

Proceedings in a double Voucher when the Warrants are taken before a Serjeant or special Commissioner by Dedimus Potestate. Double Voucher by Dedimus before Commissioners

IF the Warrant for the Tenant and Vouchee be taken before a Serjeant at Law, or before a special Commissioner, then first sue forth a Commission for taking of a Warrant for the Tenant; then ingross the Warrant in Parchment, and after the Commission is returned, sue forth a Mittimus with a Writ of Entry, (&c.) This is not to be drawn at the Bar till the return of the Vouchees Summons, Then an Entry must be made of the Mittimus, and of the Demand, Count and Voucher, with Award of Summons against the Vouchee, (as when the Warrant is taken before a Judge,) Then a Transcript and a Writ of Summons, as when before a Judge; Then a *Dedimus Potestate* for the receiving the Warrant of Attorney for the Vouchee, as before, and the Warrant to be ingrossed as before, and the *Dedimus Potestate* to receive the Warrant for the Vouchee, being returned with a Mittimus thereupon, Proceedings at the Bar, and Entry of the Recovery are as before, when the Writs are taken before a Judge. See the form of the Entries next following.

Dedimus Potestate to take a Warrant for the Tenant.

Dedimus Potestate for the Vouchee,

The Form of a Recovery with double Voucher, where the Tenants appear by Attorney, and the Vouchers upon Summons, with the manner of entering the Mittimus and Transcript, and Dedimus Potestatem for the Tenants and Vouchers.

The Precipe and Note to be taken into the Remembrance.

Staff. ff.

Precipe Johi Lutwich sen' gen' & Radulpho Brereton gen' quod suste &c. reddant Benjaminu Thornbury Ar & Johan Broughon generolo sex meluagla ser gardina viginti acras terre viginti acras prati sexaginta acras pasture communiam pasture pro omnibus averiis & communiam turbarie cum pertinentiis in Parre Choleton Eccleshal Darleston & Dunelpe que claud &c.

Detens in propria persona Tenens per Thom' Hunt & M. Wilde voc' Joh'em Lutwich jun' & Editham uxorem ejus sum in Com' predicto r' Dn' Martini Ad barr.

The Writ of Entry was returned, and Mittimus and Writ of Entry sued forth; Then you must enter your Mittimus, and the Demand, Count and Voucher with an Award of Summons against the Vouchers upon a Plea Roll, beginning in a small hand thus, viz.

After your Commission for the Tenant is returned, and Mittimus and Writ of Entry sued forth; Then you must enter your Mittimus, and the Demand, Count and Voucher with an Award of Summons against the Vouchers upon a Plea Roll, beginning in a small hand thus, viz.

Dominus Rex mandavit Justic' suis de Banco hic breve suum de Mittimus clausum unacum tenore cuiusdam brevis ipsius Domini Regis de Dedimus Potestatem de warrant Attorn' recipiend, & Record' eiusdem Recuon

Recnon warrant Attornid inde recept in hec
verba Carolus secundus Dei Gratia Anglie
Scocie Francie & Hibernie Rex Fidei De-
fensor &c. Justic suis de Banco salutem te-
nores &c. And so enter the Mittimus and
Transcript of all the Proceedings for the Te-
nants in a small Hand upon the Plea Roll, be-
ginning with the Mittimus (which is the least
of the two Writs, and filed backwards) which
having entred *verbatim*, then in one continued
Line begin, and go on with the annexed Writ
of Dedimus, and do the like to the end of the
Caption, *cozam*

A. B.

C. D.

And then begin a new Line, and enter the
Count, Voucher and Award of the Summons
in great exemplifying Hand thus, *viz.*

Staff. ff. **B**enjaminus Thornbury Armig
& Johannes Broughton genero-
sus in ppris psonis suis petunt versus Jo-
hannem Lutwich seniozem generosum &
Radum Breerton generosid sex meluagia sex
Cardina viginti acras tre viginti acras ppati
sexaginta acras pasture coiam pasture pro
omnibus ajiis & coiam turbarie cum ptiid in
Mayre Choletis Eccleshal Darleston & Dune-
ley ut ius & hereditatem suam. Et in que-
tidem Johannes & Radus non habent ingres-
sum nisi post disseisinam quam Hugo Hunt
inde injuste & sine iudicio fecit pfat Ben-
jamino & Johanni Broughton infra triginta
annos &c. Et unde dicunt qd ipsimet fue-
runt

runt seisi de reñtis & communiis pñict
cum pñict in dominico suo ut de feodo &
jure tempore pacis tempore Domini Regis
nunc capiēdo inde expleñ ad valenciam &c.
Et in que &c. Et inde produc lectam &c.

Et pñes Johes & Radus p Thord Hunc
Act fud vend & defend jus suū quando &c. &
voc inde ad war Johannem Lutwiche Jun
& Editham ux' ejus suū in Com pñes ba
beant eos hic in Qñab Sñi Martini p auri
lium Cur &c. Idem dies dat est partibus
pñes hic &c.

Next your Dedimus Potestatem to receive
the Warrant, for the Vouches being returned,
and the Mittimus thereupon made out, and the
Recovery passed at the Bar, as is before in this
Case observed; then you must make an Entry
of your Mittimus, Transcript, and whole Re
covery either on the same Roll, beginning
within an Inch if it will hold it, or begin on
another to be joyn'd to it; and you must be
gin, as before, in small Court Hand to the end
of the Caption of the Dedimus, as followeth.

The Form of entring the Mittimus and Tran
script for the Vouches.

Dominus Rex mandavit Justic suis de
Wanco hic breve suum de Mittimus
clausum unacum tenore cūfuldam brevis ip
sius Dñi Regis de Dedimus Potestatem de
warrant Attorn recipiend & recoñ ejusde
Recorñ warrant Attorn inde recept in hec
verba Carolus secundus Dei Gratia Anglie
Scocie

Scocie Francie & Hibernie Rex Fidei Defensor &c. Justic suis de Wanco salutem tenores &c. (And so recite the Mittimus *verbatim usq;*) Anno Regni nostri vicesimo tercio Beacroft Carolus secundus Dei Gratia Anglie Scocie Francie & Hibernie Rex Fidei Defensor &c. dilecto & fideli suo Thome Whitgrave Militi ac dilectis sibi Danieli Payler &c. And so enter the Transcript *verbatim*, as you are directed, *viz.* in the small Hand, and then (leaving about a Thumbsbreadth distance) enter the Recovery in the exemplifying Hand, as you find it after, pag. 267.

All this in small Hand.

But first observe the Forms of the Warrants of Attorney that were taken in this Recovery, which are not to be thus entred on the Roll, but only set here for the better understanding this President.

Warrant' Attorn' pro tenen'.

Staff. ff. **P**Recipe Johanni Lutwich senior generoso & Radso Wzereton generoso quod iuste &c. reddant Benjaminu Thornbury Arm & Johanni Wroughton generoso sex mesuagia sex gardina viginti acras prati sexaginta acras pasture coiam pasture p omnibus averiis & coiam turbarie cum ptiid in Mayre Choleton Eccleshal Darleston & Duneley que clam &c.

Staff. ff. **J**ohannes Lutwich senior generosus & Radus Wzereton generosus po. To suo Thomam Hunt & Willm Wilde conjunctim

conjunctim & divisim versus Benjaminum
Thornbury Arm & Johannem Broughton
generosum de placito terre &c.

Capit & cognit primo die Marti Anno
Regni Regis Caroli terti xiiii coram

A. L.
T. F.
C. H.

War' Attorn' pro voc'.

Staff. ff. **P**recipe Johanni Lutwich sed
generoso & Rado Wyereton ge-
neroso quod iuste &c. reddant Benjaminus
Thornbury Arm & Johanni Broughton gen-
ter sex mesuagia sex gardina viginti agros terre
viginti acras prati sexaginta acras pasture
coiam pasture p omnibus aditis & coiam tur-
barie cum pntid in Mayze Choleton Eccleshal
Darleston & Dunelap que claud &c.

Staff. ff. **J**ohannes Lutwich junior generosus
sus & Quicha uxor ejus quos Jo-
hannes Lutwich generosus & Robus Wyereton
generosus voc ad war po to. sub Rober-
rum Cap & P. C. conjunctim & divisim ver-
sus Benjaminum Thornbury Armigerum &
Johannem Broughton generosum de placito
terre &c.

Capit & cognit &c. ut supra.

Staff.

Staff. ff. **B**enjaminus Thornbury Armig^r Then Recove-
 & Johannes Broughton gene- ry to be en-
 rosus in propriis psonis suis petunt versus tred in great
 Johannem Lutwich seniozem generosum & Hand.
 Radum Wzereton generosum sex mesuagia
 sex gardina viginti acras terr^e viginti acras
 prati sexaginta acras pasture communiam pas-
 ture p^{er} omnibus averiis & communiam tute-
 barle cum p^{re}sent in Mayre Choleton Eccle-
 sial Darleston & Duneley ut ius & heredi-
 tatem suam Et in que idem Johannes &
 Radus non habent ingressum nisi post dissei-
 snam quam Hugo Hunt inde injuste & sine
 iudicio fecit p^{re}sent Benjaminus & Johanni
 Broughton infra triginta annos &c. *

Et p^{re}dicti Robertus Lutwich & Radus p^{er} Tho-
 mam Hunt Attoz^m suum ven^{it} & alias voc^{at}
 inde ad war^{um} Johannem Lutwich juniozem
 generosum & Editham uxorem eius qui modo
 p^{re}sent eis in Com^{itatu} p^{re}dicto fact^{um} p^{er} Robertum
 Guy Attoz^m suum similiter ven^{it} Et gratis
 ten^{et} & communias p^{re}dict^{as} cum p^{re}sent eis war^{um}
 &c. Et super hoc p^{re}dicti Benjaminus & Jo-
 hannes Broughton petunt versus ipsos Jo-
 hannem Lutwich juniozem & Editham tenen^{tes}
 p^{er} war^{um} suam ten^{et} & communias p^{re}dict^{as} cum
 p^{re}sent in forma p^{re}dicta &c. Et unde dicunt q^{uo}d
 ipsimet fuerunt seisi^{ti} de tenementis & com-
 muni p^{re}dictis cum p^{re}sent in dominico suo ut
 de feodo & iure tempore pacis tempore D^{omi}nⁱ
 Regis nunc capiend^o inde exple^s ad va-
 lenciam &c. Et in que &c. Et inde produc^{it}
 sectam &c.

* Note, Upon
 the 2d Count
 In this sort of
 Entry, you go
 no farther than
 triginta annos
 &c. and then
 on a new line
 you being the
 appearance of
 the Tenant
 continuing in
 great hand,
 as in this Pre-
 sident.

Et

Et predicti Johannes Lutwich junior & Editha tenent per war suam defend jus suum quando &c. Et ultius voc inde ad war Comundum Cleut qui presens est hic in Cur in propr psona sua Et gratis tenta & communias predict cum pnd eis war &c. Et super hoc predicti Benjaminus & Johannes Broughton petunt versus ipsum Comundum tenent p war suam tenta & communias predictas cum pnd in forma predicta &c. Et unde dicunt qd ipsimet fuerunt seisi de tentis & communis predictis cum pnd in dntio suo ut de feodo & iure tempore pacis tempore Domini Regis nunc capiend inde exple ad valenciam &c. Et in que &c. Et inde pnd sectam &c.

Et predictus Comundus tenens per war suam defend jus suum quando &c. Et dicit qd predictus Hugo non disseisit pfat Benjaminum & Johannem Broughton de tentis & comuniis predictis cum pnd pnt pnt Benjaminus & Johannes Broughton p hic & narrationem sua predicta supius suppon Et de hoc pon se sup patriam &c.

Et predicti Benjaminus & Johannes Broughton petunt licenciam inde interloquendi Et habent &c. Et postea idem Benjaminus & Johannes reven hic in Cur isto eodem Terminio in ppris psonis suis Et predictus Comundus licet solempniter exact non reven set in contempt Cur recessit & default facit Ideo cons est qd predicti Benjaminus & Johannes Broughton recuperent seisinam suam versus pfat Johannem Lutwich senior

Radum de tenentis & communis predictis cum
 prius Et quod idem Johannes & Radus ha-
 beant de terra predicta Johannis Lutwich
 junioris & Editha ad valenciam &c. Et quod
 idem Johannes & Editha habeant de terra
 predicta Edmundi ad valenciam &c. Et idem
 Edmundus in misericordia &c. * Et super
 hoc predicti Benjaminus & Johannes Wrough-
 ton petunt hunc Regis de habere faci-
 endum ei plenam seisinam de tenentis & commu-
 nis predictis cum prius hic Comes predicti diri-
 gend. Et eis conceditur retornabile hic in-
 dilate &c. Postea scilicet vicesimo octavo die
 Novembris isto eodem termino venit hic in
 Curia predicti Benjaminus & Johannes Wrough-
 ton in propria persona suis Et hic videlicet Ri-
 chardus Crestwell Armatus modo mandavit quod ipse
 virtute brevis predicti sibi directi 25 die Nov.
 ult. preterit habere faciat prefatum Ven. & Jo. B. ple-
 nam seisinam de tenentis & communis predicti
 cum prius prout per hunc illud sibi preceptum
 fuit &c.

* Thus far in
 great Hand,
 and then on
 the same line
 write on in
 small Hand,
 Et super hoc to
 the very end.

This is the form of Entry and Proceedings,
 when the Warrants both for Tenant and
 Vouchee are taken by Dedimus; But if your Te-
 nant appear'd in Person, or on a Warrant taken
 before a Judge, and the Vouchee upon a Sum-
 mons by Warrant taken by Dedimus, then
 you make your Entry on the Plea Roll after this
 manner, viz.

First you begin in great exemplifying Hand
 thus,

Cornub'

Ret' 15 Pasch. Cornub' ff. **A.** **B.** in propria persona sua
pet versus **C. D.** gen'd unum
mesuag' &c. to the end of the Count Et inde
produe' sedam &c.

Et p'dict **C.** p **F. G.** Actorum suum vend
& defend' suum quando &c. Et hoc inde
ad warr' **I. S.** sum in Comd p'dict habeat et
hic Cro Ascene Domini per auxilium Cur
&c. idem dies dat est partibus p'dict hic &c.

Then you may on the same Roll within an
Inch begin to enter the Mitimus and Transcript
in a small Hand thus,

Dominus Rex & Domina Regina mand
&c. as before to the end of the Caption,
coram nobis **M. B. R. P. R. S.**

Then within an Inch begin in great exem-
plifying Hand, and so continue to the end of
your Recovery thus,

Sum' ret' cro' Cornub' ff. **A.** **B.** in prop' p'sona sua pet
Ascen'. versus **C. D.** gen'd unum me-
suagium &c. as before to the words infra tri-
ginta annos &c. Then beginning a new Line,
write,

Et p'dict **C.** p **F. G.** Actorum suum vend
& als hoc inde ad warr' **I. S.** qui modo
p sum ei in Comd p'dict fact p **R. G.** Ac-
torum suum scilicet vend Et gratis tēta
p'dict cum p'ind et warr' &c. Et sup hoc
p'dict **A.** pet vers' ipsum **I. S.** tenend per
warr' suam tēta p'dict cum p'ind in forma
p'dict

pdict &c. Et unde dicunt (&c. as before to the end of the Count) Et inde producat &c.

Et pdict J. S. tenens p warr suam descendit ius suum quando &c. Et ultius voc inde ad warr [John Wheeler, or such other Vouchee as is next] and so go on in great Hand towards the end of the Recovery until these words Et * idem Johannes in mia &c. And then on the same line begin in small Hand Et sup hoc pdict A. pet b're Dñi Regis & Dñe Regine de habere faciend et plenar seisinam (&c. as in others to the end, prout p b're illud sibi pceptum fuit &c.

* Note, Igh now Et idem Johannes in mia' &c. John Wheeler being the Common Vouchee.

This shall suffice to shew you the nature of the Proceedings and Entries when by Dedimus Potestatem.

And as for the Exemplifications of these Recoveries, you must begin them thus,

Guilielmus & Maria Dei Gratia Angl
Hoc Franc & Hibnie Rex & Re-
gina Fidei Defensor &c. omnibus ad quos
plenes litere n're p venerint salutem Scia-
tis qd int placita tre irrotulata apud Westm
topam G. T. Mil & sociis suis Justic n'ris de
Banco de Terminis Anno Regni n'ri
Rotulo continetur sic.

Setting forth
the Term and
Year, and
number Roll.

Conab' n. **A. B.** in ppr psona sua pet vers
C. D. unum mesuagium &c.
as you find it intire on the last Entry taking no
notice of the Mittimus and Transcript of the
Dedimus. See before for the Form of an Exem-
plification, and the Instructions for the conclu-
ding thereof.

Quere of this.

Pro-

Proceedings upon a Recovery with double Voucher, when the Tenant cometh in person and prayeth Summons against the Vouchee, who appeareth by Warrant of Attorny taken before a Judge.

* Observe the Form of entering this Summons and Warrant of Attorny.

Where the Tenant cometh in person to the Bar, and voucheth, and the Vouchee is not present, there the appearance of the Tenant is recorded, and a Summons prayed and awarded against the Vouchee; and thereupon the Tenant may put in a Warrant of Attorny at the Bar to appear for him at the Return of the Summons; in which case the Writ of Entry is to be made and a note of it is to be taken (as in other Cases) into the Margin of the Remembrance, in this manner: *viz.*

Petens in propria persona sua tenens
in propria persona sua hoc R. B.
unde sum' in Com' predict' retorn'
Crastino Trin' Et super hoc predict'
H. po. lo. suo Henric' G. & R. B.
conjunctim & divisim versus prefat'
Tho. de predict' placito.

Devon. ff. Principes H.
et quod
fuisse et. reddat R.
G. unum Meduag' &
decem Acres Terre
cum pertinentiis in C.
que claud' et.

Notanda.

Note, That a Writ of Summons must be returnable the fifth Return next after the Return of the Writ of Entry, accounting the Return of the Writ of Entry for one of the five, and the Return

Return of the Summons for another, and so the five Returns are inclusive.

Then must the Remembrance be delivered to a Serjeant at the Bar who will make the Demand, and count against the Tenant, and another Serjeant will be for the Tenant, and vouch and pray a Summons against the Vouchee.

Then an Entry must be made upon the Roll of the Demand and Count and Voucher, and Award of the Summons in this manner.

Devon^{sh}. **T**homas G. in propria persona sua pet versus Henr^{us} W. anum Mesuagium (ut antea) Et inde pduc^{it} secum &c.

Et predictus Henricus in propria persona sua veni & defend^{it} jus suum quando &c. Et voc^{at} inde ad war^{um} A. B. sum in Com^{itatu} p^{ro}dict^{us} habeat eum hic in C^o Trin^{itatis} per auxili^{um} Cur^{ie} &c. Idem dies dat^{us} est partibus predict^{is} hic &c. Et super hoc p^{ro}dict^{us} Henr^{us} po. lo. suo H. G. & A. R. conjunctim & divisim & solus plac^{et} W. de p^{ro}dict^{is} p^{ro}lito &c.

A Transcript of this Entry must be made in Parchment, and then a Writ of Summons must be made against the Vouchee; the Form whereof I have before set down together with the Return.

Note, When a Recovery is to pass at the Bar, and the Tenant is ready at the Bar, and there voucheth to warranty A. for whom one is ready at the Bar by his Warrant of Attorney; this is void, for in such Case he ought

T to

to appear in person because without Summons ; but where Summons issueth and is entred on the Roll there he may appear at the day in person or
 1 Leon. c. 104. by Attorney at his choice.

Observanda.

The next thing is to prepare for the Appearance of the Vouchee at the Return of the Summons. The Vouchee may appear in person if he will ; but the usual way is for him to come by his Attorney. The Warrant of Attorney may be acknowledged before the Lord Chief Justice of the Common Bench, or Justices of Assize in the County where the Land lieth, or before a Serjeant at Law, or before special Commissioners authorized by a Commission or Writ called a *Dedimus Potestatem*, as before is observed.

A Warrant of Attorney for the Vouchee taken before a Judge.

Devon' ff. **P**recipe D. III. quod iuste &c. i
 T. E. unum Mesuagium & ves-
 cem Acr' cum p'rid in C. que claud' &c.

Devon' ff. **A** B. quem D. III. hoc ad war-
 po. lo. suo J. D. & E. A. con-
 junctim & divisim versus T. E. de placito
 Terre &c.

The Warrant being signed by the Vouchee and acknowledged, then the Judge subscribeth his Name ; and then the Clerk of the Fines maketh the Transcript of it in Parchment, whereunto the Judge putteth his hand, and so the Clerk delivers it to the Party or his Attorney, after which you must file the Transcript
 of

of the Summons and the Writ together, and at the Return of the Writ deliver them to a Serjeant at the Bar, and so the Recovery passeth: The Entry of it is in this Form:

Entry of Summons for the Vouchee.

Alias prout patet Termino Pasche ult preterit Rotulo xl. continet sic Despondit ff. Thomas G. in propria persona sua pet versus Henric W. unum Mesuagium (and so recite the Transcript) versus prefat Thomam de predicto plico &c. Et modo hic ad hunc diem scilicet predicto Crastino Trin vend tam predicto Thomas quam predicto H. p Henric G. Attorn suum Et predicto A. sum &c. per Johem M. Attorn suum sicut vend Et gratis (ut ante) Et inde pduct sect &c.

Et predicto A. tenens per Mar suam defens jus suum quando &c. Et ulterius voc inde ad Mar G. Humston qui plens est hic in Cur in propria persona sua Et gratis (ut ante &c.) to the end of the Return of the Writ of Seisin.

In this case of a Recovery by Summons, the Writ of Seisin must bear *Teste* the fourth day next after the Writ of Summons, then sign and seal your Writ of Summons and Seisin, and file them, and file the Warrant of Attorny with the Clerk of the Warrants; the Writ of Entry must be filed in time.

Next prepare your Exemplification.

Proceedings in a Treble Voucher when neither the Tenant or either of the Vouchees come in Person but by Warrants taken before a Judge.

When the Recovery is to be with treble Voucher, and neither the Tenant nor Vouchee do intend to come in person to the Bar; Then they must put in Warrants of Attorney.

When the Warrants are to be taken before the Chief Justice or Justice of Assize: The Form of the Warrant is thus:

For the Tenant.

Lincoln' ff. **P**recipe Edo' W. qd' iuste &c. p' Willo G. decem Mesuag' cum p'tid in S. que claud' &c.

Lincoln' ff. **E**dus W. po. lo. suo J. L. & J. A. conjunctim & divisim & sus W. G. de p'tio Terre &c.

For the first Vouchee.

Lincoln' ff. **J**D. quem G. W. voc' ad war' po. lo. suo J. S. & W. B. conjunctim & divisim versus W. G. de p'lacto Terre &c.
Capt' &c.

For the second Vouchee.

Lincoln' ff. **C**D. quem J. D. voc' ad war' po. lo. suo W. L. & J. C. conjunctim & divisim versus W. G. de p'lcto Terre &c.

When the Warrants are thus taken, then sue forth the Writ of Entry and take it in the Remem-

Remembrance, with this Note in the Margent.

Petens in propria persona tenens p J. D. voc J. D. unde sum in Com pdict i Cro Martini. Observe that in this Case, the Writ of Entry was returnable, *Tres Trin riv. Car. ij.*

Then without drawing at the Bar, an Entry must be made of the Demand, Count, Voucher and award of Summons against the first Vouchee in this manner.

Lincoln' ff. **W** C. in propria persona sua pet versus C. M. decem Mesuagia (ut ante reciting the Demand or Declaration to the end) Et inde pduc sect &c.

The first Summons Roll Trin. Term.

Et pdict C. p J. D. Attoꝝ suum vend & defend jus suum quando &c. Et voc inde ad war J. D. sum in Com pdict habeant eid hic in Cro Sci Mart p auxilium Cur &c. Idem dies dat est partibus pdict hic &c.

Appearance of Tenant and Award of Summons against the first Vouchee, returnable Crast. Mart.

Then the Transcript must be made, and the Writ of Summons against J. D. and at the Return thereof, without taking any thing into the Remembrance, or doing any thing in the Court, another Entry must be made with the award

Note, That here the Tenant appeared by Attorney, but when he appears in person at the

acknowledgment at the Bar, and appears not also at the Return of the Summons in person, then there must be a Warrant of Attorney for the Tenant entered upon the first Summons Roll, as you may see in the next President. See before for the Writ of Summons and see after pag. 281.

This Writ must bear *Teste* the fourth day next after the Return of the former Writ of Summons against the first Vouchee, and must be returnable the fifth Return next after inclusive.

Then file the Transcript and this second Writ of Summons, (the former Writ of Summons, and Writ of Entry being filed with the *Custos Brevium*) with the Warrants of Attorney together, and at the Return of the Summons, deliver all to a Serjeant at the Bar, and so the Recovery passeth.

When all this is done, the Recovery must be entred thus, on a third Roll as of Hillary Term.

Alas prout patet Termino sancti Michis ult preterit Rotulo rl. continetur sic Alas prout patet Termino Sancte Trinitat ultim preterit Rotulo C. continetur sic Lincoln R. (and so take in the whole Record of *Michaelmas* Term) Idem dies datus est partibus p^rdictis hic &c. Et modo hic ad hunc diem scilicet p^rdicti xv. Sancti Hillaris veni tam p^rdicti Willus in propria persona sua quam p^rdicti Corus & Iohes p^r Attorn suos p^res Et p^rdicti Cornelius sum &c. per Willum T. Attorn suum similiter veni & gratis (ut ante) Et inde p^rout sectam &c.

* As you may observe by the next President

Et p^rdicti Cornelius tenens per war sua defend jus suum quando &c. Et ulterius voc inde ad war Edmund Clent qui p^resens est hic in Cur in propria persona sua Et gratis Tenementa p^rdicti ei war &c. Et super hoc p^rdicti W. C. petit versus ipsum

Second Vouchee appears and vouches over the Common Vouchee.

Demand a-
gainst the
Common Vou-
chee.

Common Vou-
chee pleads
to the Coun-
try.

Demandant
impairs.

Common Vou-
chee makes
default.

Judgment and
Recovery in
value.

Writ of Seisin
awarded and
returned.

* Indilate, be-
cause not 15
days between
the Teste and
the end of
the Term.

E. C. Tenen p war suam Tenementa pdict
cum pertin in forma predicta &c. Et un-
de dicit qd ipse fuit seisit de Tenementis pdict
cum pertin in dominico ut de feodo & iure
tempore pacis tempore Dni Regis nunc ca-
piend inde explea ad valentiam &c. Et in
que &c. Et inde producat legem &c.

Et pdict E. tenens p war suam defens
jus suum quando &c. Et dicit quod predict
Hugo Hunt non disseisinat pfect W. G. de
Tenementis pdict cum pertin prout idem W.
G. p Breve & Parr sua pdict superius sup-
ponit Et de hoc ponit se super patriam &c.

Et pdict W. G. pet licentiam inde inter-
loquendi Et habeat &c. Et postea idem W.
G. revenit hic in Cur in propria persona sua
Et pdict Corus licet solempnit exact non
revenit sed in contempt Cur recessit Et de-
falc fac Ideo cons est qd pdict W. G. re-
cupt seisinam suam Et us pstat E. W. de Te-
nemtis pdict cum pertin Et qd idem E. W.
habeat de Terra pdict J. D. ad valentiam
&c. Et quod idem J. D. ulterius habeat de
Terra pdict C. D. ad valentiam &c. Et qd idem
C. D. ulterius habeat de Terra pdict Com. ad
valentiam &c. Et quod idem Com. in msa
&c. Et super hoc predict W. G. pet Breve
Dni Regis Wic Com pdict dirigend de ha-
bere faciend ei plenar seisinam de Tenementis
pdict cum pertin Et ei conceditur retornabile
hic* indilate Postea scilicet duodecimo die Febr
isto eodem Termino venit hic in Cur predict
W. G. in propria psona sua Et Wic videt
A. B. p modo mand qd ipse vltate Wic
ill

ill sibi direct nono die Februarii ult pterit
habere fac prefat W. G. plenar seisinam
de Teneñtis pdict cum pñd put p Wese
illud sibi pceptum fuit &c.

Demandant
comes into
Court the last
day of the
Term, and the
Sheriff returns
that Seisin was
delivered 3
days before.

Another Entry of a Recovery and Proceedings
with treble Voucher upon Warrants taken
before a Judge.

Ebor' ff. **T** W. & R. M. Armig in propr
personis suis pet versus G. R.
Armig & W. B. Gen Panerium de R. cum
pñd (&c.) Et in que iidem G. & W. non
habent ingressum nisi post disseisinam quam
Hugo Hunt inde injuste & sine iudicio fecit
psat E. W. & R. infra triginta annos jam
ult elaps &c. Et unde dic qd ipsimet fuer
seisi de Paner & Teneñtis pdict cum pñd
in dominico suo ut de feodo & iure tempore
pacis tempore Dñi Regis nunc capiend inde
expleß ad valentiam &c. Et in que &c. Et
inde pñd sedam &c.

First Summons
Roll of Mich.
Term.

The Writ of
Entry was re-
turnable *Quin-
den. Martini.*

Et pñd G. & W. in propriis psonis suis
ven & defend sus suum quando &c. Et voc
inde ad war A. C. W. habeant eam hic in
Data Pur beate Marie Virginis Et sunt
in Corn pñd p auxilium Cur &c. Idem dies
dat est partibus pñd hic &c. Et super hoc
pñd G. & W. po. lo. suis C. B. & C. G.
Actorū suos conjunctim & divisim sūs psat
W. & R. de pñd pñd &c.

The Tenants
appear this
Term in per-
son at Bar.

Note, Although the Tenants appeared in
Person at the acknowledgment at Bar ; yet if
they

they appeared not also at the Return of the Summons in Person there must be a Warrant of Attorney for the Tenants entred upon the first Summons Roll, as is afore observed. And also upon the Remembrance under the Precipe for the Writ of Entry of the same Recovery, you must enter a Warrant of Attorney for the Tenants thus,

Ebor' ff. **G** R. Armiger & W. B. Gen' po.
lo. suis C. B. & C. G. Attoz
suos conjunctim & divisim versus T. W. &
R. D. Armig de p'tio Terre,

Greenwood.

At the Return of the Summons being *Octab. Pur'*, as above, if the second Vouchee appear by Warrant of Attorney, you must make another Writ of Summons for the latter Vouchee, returnable the fifth Return after the Return of the first Summons and *Teste* of the Return of the first Summons, for one Writ will not serve for both. The Form of the Entry thereof upon the second Summons Roll followeth:

In the Interim file your Writ of Entry and first Summons with the *Custos Brevium*, and then you must prepare Warrants of Attorney for the Vouchees to be taken before a Judge after this manner.

For the first
Vouchee.

Ebor' ff. **A** C. Vidua quam C. R. Ar & W.
B. Gen' hoc ad war' po. lo. suis
J. D. & W. W. Attoz suos conjunctim & di-
visim vsus T. W. & R. D. Armig de p'tio
Terre. And

And for the second Vouchee.

Ebor' ff. **G** B. Gen' quem A. C. Vid' vos For the se-
ad war po. lo. suo J. S. & cond.
M. B. Actoz d' suos conjunctim & divisim &
sus T. W. & R. P. At de plico Terre.

Capt' & cognit' tertiodecimo die
Martii Anno Regni Regis Car'
Sec' Angl' &c. decimo septimo
coram me

T. W.

Entry on the second Roll.

Alias prout patet Termino S'ci Michas- The second
elis Anno Regni Dni Regis nunc de Summons Roll
cimo octavo Rot' h'ij. continetur sic Ebor' ff. of Hill. Term
T. W. & R. P. in propriis personis suis reciting the
pecunt' G. B. Ar' & W. B. Gen' Ma- Proceedings
nerium de R. cum pertind' ac decem Mesua- in Mich. Term
gia vigint' Acr' Terre cum pertind' in R. ut on the first
sus & hereditat' suam Et in que idem. G. & Summons Roll
W. non habent ingress' nisi post disseisinam and awarding
quam Hugo Hunt injuste & sine iudicio fecit a Writ of Sum-
p'fat' T. W. & R. P. infra trigint' annos mons against
&c. Et unde die quod ipsimet fuer' seint' de the second
Adanerio & Tenementis p'dict' cum p'ind' in Vouchee, re-
dominio suo ut de feodo & jure tempore pa- turnable Quin-
cis tempore Dni Regis nunc capiend' inde que Pasch.
explez ad valentiam &c. Et in que &c. Et
inde producat sextam &c.

Et p'dict' G. & W. in p'p'is p'sonis suis
ven' & defend' sus suum quando, &c. Et vos
inde ad war A. C. Vid' habeant eam hic in
Mda b

* Here ends
the Recital of
the first Sum-
mons Roll of
Mich.

Appearance
of, and demand
against the
first Vouchee.

Defence of the
first Vouchee
and Summons
for the second
returnable
Quinq; Pasch.

Datū Sancti Martini in Cond pōict p aux-
ilium Cur ꝛc. Idem dies dat est partibus
pōict hic ꝛc. Et super hoc pōict G. & W.
ponunt locis suis C. B. & E. G. conjunctim
& divisim versus p̄fat T. W. & R. de pōict
p̄lito ꝛc. * Et modo hic ad hunc diem scilicet
pōict Datū Sancti Martini veni pōict T. &
R. in p̄p̄lis personis suis quam G. & W.
p C. B. Attorn suū pōict Et pōict A. suū
ꝛc. per J. D. Attorn suū veni Et gratia
Manerium & Tenementa pōict cum p̄lito et
war ꝛc. Et super hoc pōict T. W. & R.
pet versus ipsam A. tenend per war suam
Maneria & Tenementa pōict cum p̄lito et
forma pōict ꝛc. Et unde dic quod ipsa
fuer seffat de Manerio & Tenementis pō cum
p̄lito in dominio suo ut de feodo & jure ten-
pore pacis tempore Domini Regis non
capiendo inde expleā ad valentiam ꝛc. Et in
que ꝛc. Et inde pōict seffam ꝛc.

Et pōict A. tenens p warr suam defend
sus suū quando ꝛc. Et ulterius voc inde
ad war G. B. Quid habeat eum hic a die
Pasch in quinq septimanas Et suū in
Cond pōict p auxilium Cur ꝛc. Idem dies
dat est tam p̄fat T. & R. G. & W. quam p̄-
fat A. hic ꝛc.

Make your Transcript of this Entry, and a
Writ of Summons return in *Crasin' Pur'*, then
file your Transcript and last Writ of Summons
with the Warrants of Attorney together, and
at the Return of this last Summons deliver them
all to a Serjeant at the Bar, and so the Recovery
passeth.

Then

Then make out a Writ of Seisin, and prepare for a third Entry of your whole Proceedings and Recovery on a Roll as of *Easter Term*, and begin it thus, viz.

Alias prout patet Termino Sancti Hil- Third Roll of
larii Anno Regni Dñi Regis nunc de- Easter Term
cimo octavo Rotlo 39. continetur sic Alias whereon is
patet Termino Sancti Mich' Ann' Regni entred (by
Dñi Regis nunc decimo septimo Rot 56. Alias prout
continetur sic Ebor' R. L. W. & R. M. patet) the
in propriis personis suis per versus C. R. whole Entry
Ar & W. B. Wm Panerium de R. cum of Hill. Term.
petitiō ac decem Mesuagia ac viginti Acr The appea-
Terre cum petitiō in R. ut jus & hereditatem rance of the
suam Et in que idem C. & W. non ha- second Vou-
bent ingressum nisi post disseisinam quam chee, and of
Hugo Hunt inde injuste & sine Iudicio fecit the Common
mesat L. W. infra triginta annos &c. Et Vouchee, the
unde dic' qd ipsimet fuer' seisiť de Panerio Default, Judg-
& Tenementis pdict' cum petitiō in dominico ment, Writ of
suo ut de feodo & iure tempore pacis tempore Seisin and Re-
Dñi Regis nunc capiēdo inde expleť ad va- turn.
lentiam &c. Et in que &c. Et inde pro-
duc' lectam &c.

Et pdict' C. & W. in propriis perso-
nis suis ven' & defens' jus suum quando
&c. Et hoc inde ad war' A. C. Ad habeant
eam in Octab' Pur' beate Marie Virginis
sunt in Com' pdict' p auxilium Cur' &c. I-
dem dies dat' est partibus pdict' hic &c. Et
super hoc pdict' C. & W. ponunt in locis
suis C. B. & C. G. conjunctim & divisim &
ins pstat L. W. & R. M. de pō plico &c. Et
modo

Warranty.

modo hic ad hunc diem scilicet predicti Dñi
 Pur beate Marie Virgins veni tam pñd
 T. W. & R. M. in propriis personis suis quam
 pñd G. & W. p C. B. Accord suum
 pñd A. suum &c. p Attorn suum sicut veni
 Et gratis Banerium & Tenementa pñd
 pñd et war &c. Et super hoc pñd T. W.
 & R. M. pet versus ipsam A. tenend p war
 suam Banerium & Tenementa pñd cum pñd
 in forma pñd &c. Et unde dicit quod ipse
 met fuerit seisset de Banerio & Tenementis
 pñdis cum pñd in dominico suo ut de feodo
 & iure tempore pacis tempore Dñi Regis
 nunc capiend inde explez ad valentiam &c.
 Et in que &c. Et inde producat sententiam &c.

Et pñd A. tenens p war sua defendit sua
 suum quando &c. Et ulterius vocat inde ad
 war G. B. Veni habeat eum hic a die Pasche
 in quinqz septimanas suum in Com pñd p
 auxilium Cur &c. Idem dies dat est tam
 pñd T. & R. G. & W. quam pñd A. hic
 &c. * Ad quam diem hic veni tam predicti

* Here ends
 the Recital of
 of Hill. Roll.

Warranty.

Demand a-
 gainst the ad
 Vouchee.

T. W. & R. M. in propriis personis suis
 quam pñd G. & W. & pñd A. p Attorn
 suum pñd Et pñd G. B. modo suum &c.
 per J. S. Attorn suum sicut veni Et gratis
 Baneria & Tenementa predicta cum pñd
 ei war &c. Et super hoc predicti T. W. &
 R. M. pet versus ipsum G. tenend per war
 suam Baneria & Tenementa predicta cum pñd
 in forma pñd &c. Et unde dicit qd ipse
 fuerit seisset de Banerio & Tenementis pñd
 cum pñd in dominico suo ut de feodo & iure
 tempore pacis tempore Dñi Regis nunc ca-
 piend

piens inde expleß ad valentiam &c. Et in
que &c. Et inde produc lectam &c.

Et predictus C. tenens per War suam
defend jus suum quando &c. Et ulterius voc
inde ad War Comundum Clent qui similis
ter presens est hic in Cur in propria psona
sua & gratis Panerium & Tenementa pdict
cum pertinet ei war &c. Et super hoc pdict
L. W. & R. M. pet Glus ipsam C. tenent p
war suam Panerium & Tenementa pdict cum
prim in forma predicta &c. Et unde dic qd
ipsimet fuer seisit de Panerio & Tenementis
pdict cum prim in dominico suo ut de feodo &
iure tempore pacis tempore Dni Regis nunc
capiens inde expleß ad valentiam &c. Et in
quo &c. Et inde ponc lectam &c.

Second Vou-
chee vouches
over common
Vouchee.

Warranty by
and Demand
against the
common Vou-
chee.

Et predict Comundus tenens p War sua
defend jus suum quando &c. Et dic qd pdict
Hugo Hunt non disseibit pstat L. W. & R.
M. de Panerio & Tenementis pdict cum per-
tin prout idem L. W. & R. M. p Breve &
Narrationem sua predicta supius suppon Et
de hoc ponc se sup patriam &c.

Common Vou-
chee pleads to
the Country.

Et predict L. W. & R. M. pet licentiam
inde interloquendi & habeant &c. Et postea
ibidem L. W. & R. M. reven hic in Cur in
propriis psonis suis & pdict Comundus licet
solempniter exact non reven set in contempt
Cur recessit & default fac Ideo considerat
est quod pdict L. W. & R. M. recuperent
seisinam suam Glus pstat G. & W. de Pane-
rio & Tenementis pdict cum prim Et quod
ibidem G. & W. habeant de Terra pdict A.
ad valentiam &c. Et qd eudem A. ulterius
habeat

Demandants
imparle.

Common Vou-
chee makes
default.

Judgment and
Recovery in
value.

Miscordia.

Writ of Seisin
awarded re-
turnable *indi-
late* because
not 15 days
herwixt the
Teste and Re-
turn.

habeat de Terra p̄dict G. H. ad valentiam
et. Et quod p̄dict G. H. ulterius habeat de
Terra p̄dict Comundi ad valentiam et. Et
idem Compundus in mia et. Et sup hoc
dict L. III. & R. M. per Breve Dni Regis
M̄r Com̄ p̄dict dirigend de habere facien-
eis plenariam seisinam de Manerio & Te-
nen̄tis p̄dict cum p̄tind Et eis concedunt
recoznabile hic indilate Postea scilicet nono die
Nati isto eodem Termino venit hic in Co-
p̄dict L. III. & R. M. in propriis personis
suis Et M̄r videt L. L. M̄r modo man-
quod ipse virtute Brevis illi sibi directi sep-
timo die Nati ult p̄tist habere fecit p̄fati
L. III. & R. M. plenariam seisinam de Ma-
nerio & Tenen̄tis p̄dict cum p̄tind prout per
Breve illud sibi p̄ceptum fuit et.

Next prepare for your Exemplification as in
others.

Note, These Warrants in case of a treble
Voucher, may be taken by special Commission;
one for the Tenant, (if necessary) and ano-
ther for the Vouches, and then Entries must
be made according to the former Direction by
Mittimus, &c.

The Form of a Recovery by M̄s p̄one pater,
with double Voucher, where the Tenant ap-
pears in person, and the Vouches by At-
torny.

Second Roll
of Hil. Term.

HIL 23 & 24 Car̄ secundi Regis Rois
62. cum Wapley. Alias p̄t pater
Termino Sancti Michaelis ult p̄tist Rois

Common
Vouches.

Regis nunc capiendo inde expleat ad valentiam
et. Et in qua et. Et inde producat sectam et.

Et predicta A. tenens p. Cur suam
fendit suum quando et. Et ulterius
inde ad hoc Comandum Clet qui simi-
plens est hic in Cur in propria persona
et gratis Tenementis et Communia
cum p. et hoc et. Et super hoc p. et
per solus ipsum Comandum tenens p.
suam Tenementis et Communia p. et
p. in forma p. et. Et inde
ipsemet suum tenens et Tenementis et Com-
munia p. et cum p. in dominio suo in
feodo et iure tempore pacis tempore
Regis nunc capiendo inde expleat ad va-
lentiam et. Et in qua et. Et inde producat
sectam et.

Non disseisvit

Et predictus Comundus tenens p. Cur suam
fendit suum quando et. Et dicit quod p.
dictus Hugo non disseisvit p. A. de Tenementis
et Communia p. et cum p. p. et
idem A. p. Breve et Narrationem suam p. et
superius supponit Et de hoc p. et super p.
triam et.

Default by
common Vou-
chee.

Et predictus A. per licentiam suam interlo-
quendi Et habet et. Et postea idem A.
revertit hic in Cur isto eodem termino in
propria persona sua Et predictus Comundus
cet solemniter exat non revertit in con-
tempum Cur recessit et default facit Ita
consideratum est quod p. et A. recuperet
finem suam solus p. et A. de Tenementis
et Communia p. et cum p. et quod idem
A. habeat de Terra p. et A. ad valentiam
et.

Judgment and
Recovery in
value.

et. Et qd eodem J. ulterius habeat de terra
pdicti Comundi ad volenciam et. Et idem
Comundus in mia et. Et sup hoc pdictus
A. petit breve Dni Regis Wm Cord pdicti
dicens de habere factum et plenam seisi-
nam de censibus & communia pdictis cum pñd
Et si conceditur recognabile hic a die Pasche
in quibetum dies et. Ad quem diem hic
habet pñdus A. in propria psona sua Et sic
habetur et. L. miles modo mand qd ipse
dicente brevis pñdus sibi dicitur duodecimo die
Parci ut pñdus habere seisi pñdus A. ple-
nariam seisi de censibus & communia pdictis
cum pñdus put p breve illud sibi preceptum
fuit et.

Seisin returna-
ble first return
of Easter Term

Seisin deliver-
ed about the
middle time.

Entry of Recovery by alias prout patet the
same Term, with double Voucher by Sum-
mons.

Alias patet ibi eodem Termino Rot
quo continetur sic Civitas Coventr A.
Franciscus Ciltorke in ppria psona sua pe-
tit versus Richardum Coplon sex mesuagia
duodecim garbina decem acres prati septua-
ginta acres pasture & communiam pasture p
omnibus abeatis cum pñd in Diocesi ut suis
& hereditatem suam Et in que idem Ri-
chardus non habet ingressum nisi post assen-
sum quam Hugo Hunt inde insusse & sine
iudicio fecit pñd Francisko intra triginta an-
nos et. Et unde dicit qd ipsemet fuit seisi-
tus de censibus & communia pdictis cum pñd
in dominio suo ut de feodo & iure tempore

The Writ of
Entry was re-
turnable Quin-
den Pas.

pacis tempore Dñi Regis nunc captendo inde
explez ad valeantia &c. Et in que &c. Et
inde pñt lectam &c.

The Summons
cro. Ascend. be-
log the last re-
turn of Easter
Term.
Warrant of
Attorney for
Tenant.

Et pñtus Ricus in pñia pñia sua ve-
& defend sus lund quando &c. Et hoc tñ
ad war Isaacum & nunc lund in Car-
dico habeat cum hic in crastino Ascensum
Domini per curiam Cur &c. Item pñ
dat est paribus pñtis hic &c. Et super
pñtus Ricus pñ la sua & homam & nunc
Joñem & nunc Ricus hoc consundam & n
visum verius pñt. Franciscum ad lund bel
pñd de pñtis pñtis &c. Ad quem diem
hic venit tam pñtus Franciscus in pñia
pñia sua quam pñtis Ricus per pñtis & nunc
mam & nunc Ricus lund. Et pñtus
Isaacus lund &c. per Henricum & nunc Ricus
lund lund similiter vend & gratis ten-
menta & communiam pñtis cum pñtis et tñ
&c. Et sup hoc pñtus Franciscus pñtis ven-
sus ipsum Isaacum tenend p war suam tñtis
& communiam pñtis cum pñtis in forma
dicta &c. Et unde dicit ad ipsonet fuit ten-
tus de tñtis & communia pñtis cum pñtis
in dominico suo ut de tñtis & nunc tempore
pacis tempore Dñi Regis nunc captendo inde
explez ad valeantia &c. Et in que &c. Et
inde pñtis lectam &c.

Et pñtus Isaacus tñtis p war suam
tenend sus lund quando &c. Et nunc lund in
ad war & nunc Ricus lund. Et nunc lund
lens est hic in Cur in pñtis pñtis sua & nunc
tenementa & communiam pñtis cum pñtis
war &c. Et sup hoc pñtus Franciscus pñtis

Common
Vouchee.

est versus ipsum Georgium tenend per war
suam centia & communiam p̄dict cum pertin
in forma p̄dicta &c. Et unde dicit qd ipse
fuit seisinus de tenementis & commu-
nia p̄dict cum p̄dict in dominico suo ut de
seodo & iure tempore patris tempore Do-
mini Regis nunc capiend inde exiles ad
valentiam &c. Et in que &c. Et inde pro-
ducit sextam &c.

Et p̄dictus Georgius tenens p war suam
resend per suum quondam &c. Et unde qd pre-
dictus Hugo non dissolvit p̄dict Franciscum
de centis & communia p̄dictis cum p̄dict put
idem Franciscus p breve & narrationem sua
p̄dicta superius supponit Et de hoc p̄dict se sup
p̄dictam &c.

Et p̄dictus Franciscus petit licenciam inde
interloquendi Et habet &c. Et postea idem
Franciscus resend hic in Cur isto eodem
Termino in propria persona sua & p̄dictus
Georgius licet solemniter exact non resend
set in contempt Curie recessit & default facit
Ideo rōn̄ est qd p̄dictus Franciscus recu-
peret seisinam sua versus p̄dict Richardum de
tenementis & communia p̄dictis cum p̄dict
Et qd idem Richardus habeat de terra p̄dicti
Isaaci ad valentiam &c. Et qd idem Isaacus
ultrius habeat de terra p̄dicti Georgii ad va-
lentiam &c. Et idem Georgius in mia &c.
Et sup hoc p̄dictus Franciscus petit bre
Dni Regis ut Com p̄dicti dirigend de ha-
bere faciens et plenariam seisinam de centis
& communia p̄dictis cum p̄dict Et ei conce-
ditur retornabile hic in. *Orabis Sancte Tri-*

*Nota, The Sum-
mons was re-
tornable so late
in the Term,
that the Writ
of Seisin could
not be retorne-
ble indilate, for
it was Telle the
last day of the
Term, which
was the Telle
day of Cro. Af-
cenc. neither
could it be re-
turnable the
first of Trin
Term, because
not 15 days
between the
Telle day and
Return.*

nitatis &c. Ad quem diem hic vendidit
Franciscus in propria persona sua Et hic vi-
delicet Iohannes Daniel & Thomas Geary modo
mandat quod ipsi vicarius huius illis sibi dicitur
vicesimo die huius vel preterit habere sed
placet Franciscus plenariam seisinam de tenent
& communia huius cum pertinentiis per hunc illud
sibi preceptum sunt &c.

Exemplification of a Recovery double Voucher
with great variety of Parcels.

Carolus Dei Gratia Anglie Scotie
Francie & Hibernie Rex fidei De-
fensor &c. Omnibus ad quos presentes littere
nostre pervenerint salutem. Sciatis quod inter
placita terre irrotulata cum Westm. &c.
Thoma Richardson Milite & sociis suis
hic nostris de Banco de Terminis Sancti
Michaelis Anno Regni nostri vicesimo primo
Rotulo xxvi continetur sic Alias prout per
ter Terminis Sancti Michaelis vel preterit
Rotulo lxi continetur sic Eodem A. D. H. &
A. D. in propriis personis suis prout verius
C. D. generosum manerium de cum p-
tinet ac duo messuagia ducentas acras certi
centum acras prout centum & quatuordecim
acras pasture decem acras huius communiam
pasture liberam piscariam sed nulli ward
maritagii escaet relevia cur & cur let & vi
franci plegii cum prout in D. als D. &c.
magna T. alias T. Majori D. & J. Per non
restoziam de D. alias D. parva cum prout
Acciam

Writ of Entry
was returnable
Quinden Mar-
tini.

Acetiam omnes & omnimodas decimas ob-
lationes & obventiones quascunq; annuatim
pvenient crescent & renouant in parva D. Ac
advocationem vicarie ecclesie de parva D. ut
ius & hereditatem suam Et in que locum C.
non habet ingressum nisi post dissolutionem
quam Hugo Hunt inde iussit & sine iudicio
secut. Placit. T. & A. infra triginta annos
et. Et inde dicunt qd ipsimet fuerunt scilicet
de manerio tenementis communia libera
piscaria scilicet milit ward maritag escact re-
levia cur cur let visum franci plegit rectoria
decimis oblationibus & obventionibus pdictis
cum ptiid in dominico suo ut de feodo & iure
ac de advocatione pdicta ut de feodo & iure
tempore pacis tempore Dni Regis nunc ca-
piendo inde exple ad valenciam et. Et in
que et. Et inde producant sect et. Et pre-
dictus C. in ppta psona sua venit & defendit
ius suum quando. et. Et vocat inde ad ma-
ranzand R. Comit S. suum in Comitatu
pdicto habeat cum hic in Crastino Purifica-
tionis Beate Marie p aurisam Cur et. Id
dies datus est paribus pdictis hic et. Et
super hoc pdictus C. ponit loco suo III. III.
Accord suum versus plos T. & A. de pre-
dicto placito Et modo hic ad hunc diem ve-
nerunt tam pdicti T. & A. in pptis per-
sonis suis quam pdictus C. p Accordatum
suum pdictum Et pdictus Comes S. suum
et. p A. M. Accordatum suum similiter ve-
nit Et gratis manerium tenementa Com-
munitam liberam piscariam scilicet milit ward
maritag escact relevia cur cur let visum
franci

Summons re-
turnable cr.

Par.

Tenant puts in
Warrant of
Attorney.

franci plegii rectoriam decimas oblationes &
 obventiones p[ro]dict[is] cum p[re]s[ent]i ac advocacione
 nem p[re]dictam et war[ant] &c. Et super hoc p[re]s[ent]
 dicti C. & A. petunt versus ipsum Comitem
 tenentem per warrantiam suam manerium
 nementa communiam liberam piscariam
 millit ward maritag elcaeta relevia cur[ia] &c.
 Iet visum franci plegii rectoriam decimas
 oblationes & obventiones p[ro]dict[is] cum p[re]s[ent]
 ac advocacionem p[ro]dictam in forma p[re]dicta.
 Et unde dicunt qd ipsius tenent[is] tenent[is]
 manerio tenementis communiam libera piscar-
 ria feod millit ward maritag elcaetis relevia
 tur cur[ia] Iet visum franci plegii rectoria deci-
 mis oblationibus & obventionibus p[re]dictis
 cum p[re]s[ent]i in hominico suo ut de feodo & iure
 ac de advocacione p[ro]dicta ut de feodo & iure
 tempore pacis tempore Domini Regis
 capiendo inde exple[re] ad valentiam &c. Et in
 que &c. Et inde p[ro]ducunt suam &c. Et p[re]s[ent]
 dictus Comes tenens p[ro]war suam defendit ius
 suum quando &c. Et vocat inde ad waran-
 tizand[um] Edward[um] & Henric[um] qui similiter p[re]s[ent]
 sens est hic in Curia p[ro]prio p[re]s[ent] sua Et gra-
 tis manerium tenementum communiam li-
 beram piscariam feod millit ward maritag
 elcaeta relevia cur[ia] &c. Iet vis franci plegii
 rectoriam decimas oblationes & obventiones
 p[ro]dict[is] cum p[re]s[ent] ac advocacionem p[ro]dictam et
 war[ant] &c. Et super hoc p[re]s[ent] C. & A. petunt
 versus ipsum Comitem tenentem p[ro]war
 rantiam suam manerium tenementa commu-
 niam liberam piscariam feod millit ward mar-
 itag elcaeta relevia cur[ia] &c. Iet vis franci
 plegii

The Common
 Voucher.

plegit rectoziam decimas oblationes & obven-
tiones p̄dict cum p̄t̄m ac advocacionem pre-
dictam in forma p̄dicta &c. Et unde dicunt
q̄d ipsimet fuerunt seisc̄i de manerio tene-
mentis communia libera piscaria feod milit̄
ward maritaḡ elc̄et̄ relevit̄ cur̄ cur̄ let̄
visu franci plegii rectozia decimis oblationi-
bus & obventionibus p̄dict cum p̄t̄m in do-
minio suo ut de feodo & iure ac de advoca-
tione p̄dicta ut de feodo & iure tempore pacis
testip̄e Domini Regis nunc capiendo inde
explē ad valentiam &c. Et in que &c. Et
inde p̄obincunt locam &c. Et p̄dictus Ed-
wardus tenens p̄ warrantiam suam defendit
sua l̄ud quando &c. Et dicit q̄d p̄dictus Hugo
non dissiduit p̄fatos E. & A. de manio t̄ntis
communis libera piscaria feod milit̄ wardis
maritaḡis elc̄et̄is relevit̄is cur̄ cur̄ let̄
visu franci plegii rectozia decimis oblatio-
nibus & obventionibus p̄dict cum p̄t̄m ac de
advocatione p̄dicta prout iidem E. & A. per
breve & narrationem sua p̄dict superius sup-
ponunt. Et de hac ponit se sup patriam &c.
Et p̄dicti E. & A. petunt licentiam inde in-
terloquendi. Et habent &c. Et postea iide
E. & A. revent̄ hic in Cur̄ isto eodem Ter-
mino in p̄p̄is p̄sonis suis. Et p̄dictus Ed-
wardus licet solempniter exatus non revent̄
set in concilio Curie recessit & defat̄am
facit. Ideo consideratum est q̄d p̄dicti E. &
A. recuperent villam suam versus p̄fatum
E. D. de manerio tenementis communia
libera piscaria feod milit̄ ward maritaḡ el-
c̄et̄ relevit̄is cur̄ cur̄ let̄ visu franci plegii
rectozia

Seisin returna-
ble indilate.

Demandant
comes into
Court last
day of Term
and Sheriff
returns that
Seisin was de-
livered 3 days
before.

rectoria decimis oblationibus & obventioni-
bus p̄dictis cum p̄iud ac de abbocatione p̄re-
dicta Et q̄d idem C. habeat de terra p̄dicta
Comitis ad valenciam &c. Et q̄d idem Co-
mes ulterius habeat de terra p̄dicta Edwardus
ad valenciam &c. Et idem Edwardus in mi-
sericordia &c. Et super hoc p̄dicti L. & A.
petunt breve Domini Regis Edwardi Com-
mitatus p̄dicti dirigendū de habere seisinam
plenariam seisinam de manerio tenementis
communis libera piscaria feod militū mar-
maritag estracis relevius curie cur letu franci plegii
rectoria decimis oblationibus & obventionibus
p̄dictis cum p̄iud ac de abbocatione p̄dicta Et eis conceditur rectornabile
hic indilate &c. Postea scilicet duodecimo die
Febr̄ isto eodem Termino venit hic in Cur
p̄dicti L. & A. in p̄p̄iis p̄sonis suis Et videt
L. R. de R. Armiḡ modo mandū q̄d
ipse virtute brevis p̄dicti sibi directi nōdū die
Febr̄ ult̄ p̄terit habere fecit p̄fatis L. & A.
plenariam seisinam de manerio tenentis communis
libera piscaria feod militū maribis maritagis
estracis relevius cur̄ cur letu franci plegii
rectoria decimis oblationibus & obventionibus
p̄dictis cum p̄iud ac de abbocatione p̄dicta p̄ut q̄
breve illud sibi p̄ceptum fuit &c. Quia omnia
& singula ad requisitionē p̄dicti L. & A. te-
nore p̄sentium diximus etiam p̄fatis. In
cūsus rei testimonium sigillū nostrū ad
brevia in Banco p̄dicto sigillū nostrū p̄re-
sentibus apponi fecimus teste R. Nichol̄son
apud Westm̄ 12 die Febr̄ Anno Regni nostri
vicessimo primo

Brownlowe.

The

The Form of a Recovery with double Voucher, where the Vouchees appear upon Summons.

Alias p[er] patet Termino Sancti Michis The 2d Sum-
 ult[er]ioris Rotulo 211. continetur sic mons Roll.
 Villa nobi Castri sup Tynam ff. Thomas The Writ of
 Steele & Rolandus Kirkley in p[ro]p[ri]is per- Entry was re-
 sonis suis petunt versus Robertum Park turnable Cr.
 scilicet meluagia cum p[ro]p[ri]o in Villa nobi Castri Animarum.
 sup Tynam ut jus & hereditatem suam Et
 in que idem Robertus non habet ingressum
 nisi post disseisinam quam Hugo Hunt inde
 injuste & sine iudicio fecit p[re]fatis Thome &
 Rolando infra triginta annos &c. Et unde
 dicunt q[uo]d ipsimet fuerunt seisciti de sex me-
 luagiis p[re]dictis cum p[ro]p[ri]o in dominico suo ut
 de feodo & iure tempore pacis tempore D[omi]ni
 Regis nunc capiendis inde exple[s] ad valen-
 tiam &c. Et in que &c. Et inde p[ro]ducunt
 sectam &c. Et p[re]dictus Robertus in p[ro]p[ri]a p[er]-
 sona sua venit & defendit jus suum quando &c.
 Et vocat inde ad war Michaellem Durham &
 Wartham uxorem ejus & Robertum Steele &
 Abigailam uxorem ejus tunc in Com[itu] p[re]dicto
 habeat eos &c. in Curia Sancti Pillarii p[er]
 Augustum &c. Idem dies datus est p[re]s-
 bus &c. Et sup hoc p[re]dictus Rob- Warrant of
 rus p[ro]curator loco suo Thomam Wadnel & Attorney for
 Thomam &c. Attornatos suos conjunctim Tenant.
 & divisim versus p[re]fatis Thomam Steele & Ro-
 landum de p[re]dicto p[re]lito &c. Ad quem diem
 hic

hic vend tam p'dicti Thomas Steel & Rolan-
 dus in p'p'is p'sonis suis quam p'dictus Rob-
 tus Park p p'dictu Thomam Widoel Attoz
 suum Et p'dicti Michael & Martha & Rob-
 tus Steel & Abigail lund ec. p Radulphum
 Wila Attoz suum similiter vend Et gra-
 tis sex mesuagia p'dicta cum p'nd et war ec.
 Et sup hoc p'dicti Thomas Steel & Rolandus
 petunt versus ipsos Michaellem & Marcham
 Robertum Steel & Abigailam tenentes p
 war suam sex mesuagia p'dicta cum p'nd
 forma p'dicta ec. Et unde dicunt qd ipsi
 fuerunt seisi de sex mesuagiis p'dictis cum
 p'nd in dominico suo ut de feodo & iure tem-
 pore pacis tempore Dni Regis nunc capi-
 endo inde explez ad valenciam ec. Et in que
 ec. Et inde pduc sectam ec.

Et p'dicti Michael & Martha & Robt Steel
 & Abigail tenentes p war suam defendunt
 sus suum quando ec. Et ultius vocant inde
 ad war Edmundum Clevi qui similiter p'ens
 est hic in Cur in p'p'ia p'sona sua Et gratis
 sex mesuagia p'dicta cum p'nd eis war ec. Et
 sup hoc p'dicti Thomas Steel & Rolandus pe-
 tunt versus ipsum Edmundum tenentem per
 war suam sex mesuagia p'dicta cum p'nd in
 forma p'dicta ec. Et unde dicunt qd ipsi
 fuerunt seisi de sex mesuagiis p'dictis cum
 p'nd in dominico suo ut de feodo & iure tem-
 pore pacis tempore Dni Regis nunc capi-
 endo inde explez ad valenciam ec. Et in que
 Et inde pduc sectam ec.

Et p'dictus Edmundus tenens p war sua
 defendit sus suum quando ec. Et dicit qd p-
 dictus

Common
 Vouchee.

dictus Hugo non disseisavit prefatos Thomam
Steel & Rolandum de sex mesuagiis predictis
cum predictis per eundem Thomam & Rolandum in
breve & narrationem sua predicta superius suppo-
nunt. Et de hoc ponit se super partem etc. Et
predicti Thomas Steel & Rolandus petunt li-
cenciam inde infligendi. Et habent etc. Et
postea eundem Thomam & Rolandus reverend hic
in Curia eodem termino in propriis perso-
nis suis etc. predicti Comundus licet solemp-
nitatem non reverend sed in contemptu Curie
recessit. Et default facit. Ideo contra est quod
predicti Thomas Steel & Rolandus recuperent
seisnam suam versus prefatum Robertum Park
de sex mesuagiis predictis cum predictis. Et quod idem
Robertus habeat de frafractorum Michaelis
& Martha & Roberti Steel & Abigaille ad va-
lenciam etc. Et quod idem Michael & Martha
Robertus & Abigail ulterius habeant de fra-
fracti Comundi ad valenciam etc. Et idem
Comundus in misericordia etc. Et super hoc predicti
Thomas Steel & Rolandus petunt breve
Domini Regis vice velle predicta dirigendo de ha-
bere faciendo eis plenariam seisnam de sex
mesuagiis predictis cum predictis. Et eis concedi-
tur recognabile hic in Dominis Purificationis
Beate Marie etc. Postea scilicet duodecimo
die februarii eodem termino venit hic in
Curia prefatus Thomas Steel & Rolandus in
proprie personis suis. Et vice videlicet Ro-
bertus Park modo mandavit quod ipse virtute
brevis predicti ubi directi secundo die februarii
ultim perit habere fecit. Prefatus Thome Steel &
Rolando plenariam seisnam de sex mesuagiis
predictis

Seisin retorna-
ble last return
of Hill. Term.

Demandants
come into
Court last day
of the Term,
and Sheriff re-
turns that Sei-
sin was deli-
vered 9 days
before,

hoc predictus Antonius petit versus ipsum Georgium tenentem per war suam tenementa & medietatem predictam cum pertinenti in forma predicta &c. Et unde dicunt quod ipsimet fuerunt seisi de tenementis & medietate predictis cum pertinenti in dominico suo ac de feodo & iure tempore pacis tempore Domini Regis hunc capiendos inde exple ad valenciam &c. Et in que &c. Et inde predictus Antonius petit &c.

Et predictus Georgius tenens per war suam defendit ius suum quando &c. Et ulterius vocat inde ad war Commundum Clent qui similiter p̄sens est hic in Cur in propria persona sua. Et gratis tenementa & medietatem predictam cum pertinenti ei war &c. Et super hoc predictus Georgius petit versus ipsum Commundum tenentem per war suam tenementa & medietatem predictam cum pertinenti in forma predicta &c. Et unde dicunt quod ipsimet fuerunt seisi de tenementis & medietate predictis cum pertinenti in dominico suo ac de feodo & iure tempore pacis tempore Domini Regis hunc capiendos inde exple ad valenciam &c. Et in que &c. Et inde predictus Georgius petit &c.

Calls over the
Common
Vouches.

Et predictus Commundus tenens per war suam defendit ius suum quando &c. Et dicit quod predictus Georgius non disseisivit p̄sacos Jacobum & Johannem de tenementis & medietate predictis cum pertinenti prout iidem Jacobus & Johannes per breve & narrationem suam predictam super supponit. Et de hoc ponit se super patriam &c.

Et

Imparlance
and default by
Common
Vouchce.

Judgment and
Recovery in
valuc.

Selfin returna-
ble the first
return of Hill
Term.

Et pñiti Jacobus & Edwardus petunt licen-
tia inde infloquendi Et habent &c. Et postea
idem Jacobus & Edwardus reverendū hic in Curia
istā eodem Terminō in propriis personis suis
Et pñitis Edmundus licet sollemniter tractat
non reverendū sed in contemptū Curie rectitudinem
defaltam facit. Item coram eisdem pñitis
Jacobus & Edwardus recuperant possessionem
suam versus pñitū Antonium de Tenementis
& medietate pñitis cum pñitū Et quoniam
Antonius habet de tra pñiti Edwardi ad valenciam
&c. Et quoniam idem Gregorius aliter
habet de tra pñiti Edmundi ad valenciam
&c. Et idem Edmundus in iura &c. Et in
hoc pñiti Jacobus & Edwardus petunt huius
Dñi Regis M̃r Com pñiti dirigendū de ha-
bere faciendū ei plenariam solutionem de tenementis
& medietate pñitis cum pñitū Et
conceditur retornabile hic in pñitis pñitis
Hillarit &c. Ad quem diem hic venit pñiti
Jacobus & Edwardus in propriis personis suis
Et hic videlicet H. M. Armiger modo manens
quod ipse virtute brevis pñiti sibi directi vice
ultimo die Decembris pñiti pñitis habere sibi
pñitis Jacobo & Edwardo plenariam solutionem
de tenementis & medietate pñitis cum
pertinendū pñitis per breve illius sibi pñitis
fuit &c.

The Form of a Recovery, where the Tenant appears by Attorny, and vouches several persons; for several Lands in several Towns; who appear by Summons.

Kanc. *A. J. P.* in propria persona sua petit
verius *L. A.* tria mesuagia tria
gardina quinquaginta acras terre quadraginta
acras prati & sexaginta acras marisci cum
pertin in *S. & C.* ut suis & hereditatem sua
Et in que ibidem *L.* non habet ingressum nisi
post disseisinam quam Hugo Hunt inde in-
iuste & sine iudicio fecit p̄fat. *J.* infra trigint
annos &c. Et inde dicit quod ipsemet fuit
seisus de Tenementis p̄dict. cum p̄tin in
dominio suo ut de feodo & iure tempore pa-
ris tempore Dat. Regis nunc capiend inde
explez ad valentia &c. Et in que &c. Et inde
pduc legem &c.

The Writ of
Entry was re-
turnable *Tres
Mich.*

Et p̄dictus *L.* per *C. R.* Attorn suum
venit & defendit suis suum quando &c. Et
quoad duo mesuagia duo gardina triginta acr
terre viginti acras prati & quadraginta acr
marisci in *S.* p̄dict. de Tenementis p̄dict.
superius petit parcel vocat inde ad iur. *C.*
W. Et quoad unum mesuagium unum gar-
dinum viginti acras terre viginti acras prati
& viginti acras marisci de Tenementis p̄dict.
cum p̄tin superius petit restio idem *L.* vocat
inde ad iur. *C. W.* & *B.* uxorem ejus re-
spective sunt in Com. p̄dict. habeat eos hic in
Octabis Sancti Martini p̄ auxilium Cur. &c.
Idem dies dat. est paribus p̄dict. hic &c. Et

Tenant ap-
pears by At-
torny and
vouches over.

Summons
returnable
Octab. Mart.
same Term.

Tenant appears in person at the Return of the Summons.

Vouchees appear by several Attornies.

One vouches one parcel.

The other vouches the other parcel.

modo hic ad hunc diem scilicet ad predicta Octava Sancti Martini videri iam predicti A. in propria persona sua quam predicti B. p. Accord suum predictum.

Et predictus C. videri etc. per J. B. Accord suum Et predicti C. & B. suum etc. per J. B. Accord suum similiter videri Et predicti C. gratis Tenementa predicti cum pertinentiis in S. predicti de Tenementis predicti cum pertinentiis superius petitis parcel unde ipse superius vocabatur ad war eisdem A. war etc. Et super hoc predicti J. petit versus ipsam C. tenendi per war suam eadem Tenementa cum pertinentiis in S. predicti in forma predicti etc. Et unde dicitur ipsemet fuit scilicet de eisdem Tenementis cum pertinentiis in S. predicti in dominico suo de feodo & jure tempore pacis tempore Domini Regis nunc capiendi inde expleat ad valentiam etc. Et in que etc. Et inde pducit sedam etc.

Et predicti C. & B. gratis Tenementa predicti cum pertinentiis in G. predicti de Tenementis predicti cum pertinentiis superius petitis residuo unde ipse superius vocabantur ad war eisdem A. war etc. Et super hoc predicti J. petit versus ipsos C. & B. tenendi per war suam eadem Tenementa cum pertinentiis in G. predicti in forma predicti etc. Et unde dicitur quod ipsemet fuit scilicet de eisdem Tenementis cum pertinentiis in G. predicti in dominico suo ut de feodo & jure tempore pacis tempore Domini Regis nunc capiendi inde expleat ad valentiam etc. Et in que etc. Et inde pducit sedam etc.

Et predictus C. tenens p war suam de eisdem Tenementis cum pñ in S. pñict de Tenementis pñict cum pñict superius perit parcel inde ipse superius vocabatur ad war defendit sus suum quando &c. Et ulterius vocat inde ad war Edmundum Client qui sitit pñens est hic in Cur in propria pñona sua Et gratis eadem Tenementa cum pñict in S. pñict et war &c. Et super hoc pñictus J. perit versus ipsum Edmundum tenend p war suam eadem Tenementa cum pñict in S. pñict in forma pñict &c. Et unde dicit quod ipsemet fuit seiscus de eisdem Tenementis cum pñict in S. pñict in dominico suo ut de feodo & iure tempore pacis tempore Dñi Regis nunc capiendò inde expleß ad valentiam &c. Et in que &c. Et inde producit lectam &c.

One Vouchee calls over the Common Vouchee for one parcel.

Et pñict C. & B. tenend p war suam de eisdem Tenementis cum pñict in G. pñict de Tenementis pñict cum pñict superius perit resid unde ipsi superius vocabantur ad war defendit sus suum quando &c. Et ulterius vocant inde similiter ad war pñict Edmundum Client qui similiter pñens est hic in Cur in propria persona sua Et gratis eadem Tenementa cum pñict in G. pñicta et war &c. Et super hoc pñict J. perit versus ipsum Edmundum tenend per war suam eadem Tenementa cum pñict in G. pñict in forma pñict &c. Et unde dicit quod ipsemet fuit seiscus de eisdem Tenementis cum pñict in G. pñicta in dominico suo ut de feodo & iure tempore pacis tempore Dñi Regis nunc capiendò inde ex-

The other Vouchee calls over the Common Vouchee for the other parcel.

ples ad valentiam &c. Et in que &c. Et inde
producit legem &c.

Common Vou-
chee pleads
Non disseisui
as to the
whole.

Et predictus Comundus tenens per war-
suam de Tenementis predictis integris cum p-
tinentiis defendi ius suum quando &c. Et dicit
quod predictus Hugo non disseisivit prefat. J.
de eisdem Tenementis cum pertinentiis per idem
J. per Breve & Narrationem sua propria in-
perius supponit. Et de hoc ponit se super
Patriam &c.

Demandant
imparts and
Common Vou-
chee makes
default.
Judgment and
Recovery. in
value.

Et predictus J. petit licentiam inde inter-
loquendi Et habet &c. Et postea idem J. re-
venit hic in Curia isto eodem Termino in pro-
pria persona sua Et predictus Comundus licet
solemniter exact non revenit sed in contemp-
tum Curie recessit & default factus Ideo consi-
deratum est quod predictus J. recuperet seisinam
suam plus prefat. J. de Tenementis predictis in-
tegris cum pertinentiis Et quod idem J. habeat de
Terra predicta C. ad valentiam Tenementorum
predictorum cum pertinentiis in S. predictis superius plus
cum ut tenent per war suam petit Et quod idem
C. inde ulterius habeat de Terra predicta Co-
mundi ad valentiam &c. Et quod idem J.
habeat de Terra predicta C. & B. ad valentiam
Tenementorum predictorum cum pertinentiis in G. per
superius versus eos ut tenentes inde per war
suam petit Et quod idem C. & B. inde ulterius
habeant de Terra predicta Comuni ad valen-
tiam &c. Et idem Comundus in iudicio &c. Et
super hoc predictus J. petit Breve Domini Regis Willelmi
Comitis predicti dirigens de habere faciens et ple-
nar seisinam de Tenementis predictis integris
cum pertinentiis Et ei conceditur retornabile hic
indilata

Seisin return-
able indilata.

Indilate &c. Postea scilicet vicesimo octavo die
 Novembz is illo eodem Termino veni hic in
 Cur predicta in propria persona sua Et tunc
 videlicet W. L. Miles modo mand quod ipse
 virtute Brevis predicti sibi direct vicesimo
 quinto die Novembz is ult pterit habere fec
 pstat J. plenar scissinam de Tenementis pte
 dictis integris cum pced pnt p Breve illud
 sibi pcept tale &c.

Demandant
 comes into
 Court last day
 of the Term,
 and Seisin de-
 livered three
 days before.

The Forms of the Writs of *Ad Vinculum* and
Dedimus.

Dominus Rex mandavit Justic suis de
 Banco hic Breve suum de Vinculum
 clausum unacum tenore cuiusdam Brevis de
 Dedimus Potestatem de War Attoz recipi
 piens & recipi ejusdem Person War At
 toz inde recept in hec verba. Carolus se
 cundus Dei gratia Anglie Scocie Francie
 & Hibernie Rex Fidei Defens &c. Justic
 suis de Banco salutem Tenores cuiusdam
 Brevis de Dedimus Potestatem dilato & fi
 deli suo C. M. Milite ac dilectis sibi A. H.
 Armig R. B. Armig W. D. Armig & J. C.
 Gen quatuor tribus vel duobus eorum direct
 de & pro receptione Accornaci vel Accornato
 rum consanguini vel divini quem vel quos
 R. M. Generosus & M. uxor ejus & L. B.
 Generosus & M. uxor ejus pro se locis suis
 coram prefat C. A. R. B. & J. eis quatuor
 tribus vel duobus eor ponere aut constituere
 voluerint Illis C. B. Gen & L. S. Gen
 lucrando vel perdando in placito terre super
 breve

breve noster de ingressu super disseisinam in
 le post coram vobis pendit inter p̄dict C. &
 T. querentes & R. T. sacre Theologie Pro-
 fessorum de manerio de C. cum p̄dict ad de
 sex messuagiis decem totis duabus columbar-
 decem garbinis quadraginta acris velis du-
 bus millibus acrarum jamp̄horum & bunc
 viginti ac̄ m̄ore decem librat redit & com-
 munia pasture p̄ omnibus abent cum p̄dict
 in Carleby Carleby Willstrop Barne-
 rold Bomby Gifford Wilmel Wa-
 tham Castle Wytham Little Wytham & Am-
 by alias Dmby ac libera piscario in aqua de
 Carleby Recnon advocacione Ecclesie de
 Carleby in Comitatu Lincoln Qui quidem
 R. T. vocavit p̄dict R. P. P. uxorem ejus
 & T. R. & P. uxorem ejus ad wat et mane-
 rium messuagia reddidit & cetera p̄missa p̄dict
 cum p̄dict At rector ejusdem brevis de wat
 in ea parte recept in Cancellariam nostram
 miss ac in ejusdem Cancellarie nostre red-
 den vobis mittimus presentibus interitis
 mandantes quod superius tenoribus p̄dictis
 ulterius ad prosecutionem p̄dict C. &
 T. fieri fac quod de Jure & secundum
 Legem & Cons̄ legum nostri Anglie fuerit
 faciend Teste meipso apud Westm̄ vicesimo
 octavo die Maii Anno Reḡ n̄ri quattordecimo.
 Carolus Secundus Dei gr̄a Angl̄ R̄oc
 Francie & Hib̄ie Rex Fidei Defes̄ &c. Mi-
 ledo & fidei tuo C. P. Militi ac dilectis mi-
 A. B. Armiḡ R. B. Armiḡ R. D. Armiḡ
 & J. C. Gen̄ salutem Cum breve nostrum de
 ingressu super disseisinam in le Post pendat
 coram

coram Justiciis nostris de Wanco inter C. B.
Gen & T. S. Gen peten & R. T. sacre
Theologie Professozem de manerio de Car-
leby cum pectin Ac de sex meluagiis decem
tostis duobus columbar decem gardinis quas
draginta acris terre decem acris prati centum
acris pasture quinquaginta acris bolsti duobus
millibus arvarum sampuorum & vivere vi-
ginti acris more decem librat reddit & com-
munia pasture pro omnibus averiis cum ver-
tin in Carleby Wilstrop Warkeborow Bon-
thorp Gressford Holtwel Matham Castle
Byrhem Little Byrham & Ambp alias Dmby
ac libera piscaria in aqua de Carleby Nec-
non Advocacione Ecclesie de Carleby in Com
Lincoln Ac pdict R. in plena Cur nostra
coram Justiciis nostris pdict comparens voca-
vit R. M. Gen & M. urozem ejus & T. R.
Gen & M. uroze ejus ad warrantizans ei ma-
nerium & cetera premilla pdict cum pectin
Super quo emanavit breve nostrum de sum
ad war Wic Com pdict direct versus eosde
R. M. T. & M. reordinabile coram Justiciis nris
pdict apud Westm in Crastino Sancte Tri-
nitatis prox futur Et quia pdict R. M. M.
T. & M. adeo impotentes existunt quod absq
maximo corporu suoz periculo usq Westm
coram Justiciis nostris pdict ad diem in dicto
breve nostro de sum ad war content laborari
non sufficiunt ut accepimus Nos status ex-
cuntem R. M. M. T. & M. compatiens in
bac parte Dedimus vobis quatuor tribus vel
duobus vestrum potestatem & plenam autho-
ritatem recipiendi Actornatum vel Actorna-
tos

tos quem vel quos item R. M. M. L. & M.
ad war' vocand' ad lucrand' vel perdend' in
placito p'dicto coram Justic' nostris p'dict' locis
suis coram vobis quatuor' tribus vel duobus
vestrum ponere aut constituere voluerint re-
cipiend'. Nosq' inde in Cancellariam nram
de nomine hujusmodi Attornati vel Attorna-
torum debite certificand'. Et ideo vobis qua-
tuor' tribus vel duobus vestrum mandamus
quod ad p'dictos R. M. M. L. & M. personaliter
accedentes si commode ad vos quatuor' tres vel
duos vestrum laborari non sufficiunt Attor-
natumque suum vel Attornatib' suos reci-
piatis. Et cum Attornatum illum vel At-
tornatos istos sic ceperitis. Nos inde in
Cancellariam nostram sub sigillis vestris qua-
tuor' trium vel duorum vestrum distinde &
aperte sine dilatione reddatis certiores hoc
breve Nobis remittentes Teste meipso apud
Westm' quinto die Maii Anno Regni nostri
quartodecimo.

M. Smith p' Dñm Cancellar' Angl' ad in-
stam' peten'

Retorn' inde.

R. M. Gen' & M. uxor ejus T. R. Gen'
& M. uxor ejus R. T. sacre Theologie
Professoz po. lo. suis W. M. & L. M. con-
junctim & divisim plus C. B. Gen' & T. S. ad
lucrand' vel perdend' in placito terre partes
Nobis note cap't & cognit' apud C. in Com'
H. ult' die Maii Anno Regni Regis Caroli
Secundi decimo quarto coram nobis R. B.
& J.

& J. G. virtute brevis de Dedimus Potesta-
tem presentibus annex^r.

N. B.

J. G.

*The Charge of a Recovery with
single Voucher, where the Te-
nant appears at Bar.*

	l.	s.	d.
FOR drawing the Precipe —	0	2	6
For taking it into the Remem- brance —	0	1	0
To the Curfitor for the Writ of Entry	0	2	6
New Impofition for the Seal	0	0	6
The King's Fine rated by } According to the the Commissioners — } value of the Lands			
New Impofition — } According to the Rate.			
To the Receiver —	0	9	6
For Doctors Hand for entring and endorfing in Term time —	0	1	2
For drawing it at the Bar to three Serjeants —	0	10	0
To the Box —	0	0	6
Common Voucher —	0	0	4
To the Attorney General for figning the Writ of Entry —	0	10	0
The Secondary in Court receives —	0	2	6
Return of the Writ of Entry —	0	2	0
Drawing the Count and Judgment	0	2	6
For Exemplifying it and Parchment —	0	7	6
			To

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To the Prothonotary for the Entry thereof	o	10	0
For sealing thereof	o	2	2
Imposition	o	7	6
For the Writ of Seisin and Return	o	4	0
For the Seal thereof and Imposition	o	1	1
For filing the Writs of Entry and Seisin with the <i>Custos Breviarum</i> and Common Vouchee	o	2	4
Attorney's Fee	o	6	8
But if your Recovery be with double Voucher, the Prothonotary will have of you for the Entry thereof	o	14	6
And for every treble Voucher	o	18	6
To the Clerk for every Voucher more	o	2	0

The Charge of a Recovery by Summons, Warrant of Attorney and Dedimus.

FOR drawing the Precipe and Warrant of Attorney	o	3	4
<i>Dedimus Potestatem</i>	o	1	4
Cursitor for the Transcription of the Return and Imposition	o	11	0
The making of the Writ of Summons	o	2	0
Sealing thereof with the Imposition	o	1	1
Entry of the Summons for the Prothonotary	o	4	6
If with a Warrant of Attorney then	o	6	6

To

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To the Clerk for drawing and ingrossing the Summons ————	0	2	6
To the Clerk for the entring the Summons with <i>Mittimus</i> and <i>De-dimus</i> on the Roll ————	0	5	4
For making and filing every Warrant of Attorney ————	0	1	4
For Return of the Writ of Summons	0	2	0
For filing thereof ————	0	1	0

Charges extraordinary, if the Recovery be under the Great-Seal of England.

FOR the <i>Cerciorari</i> ————	0	13	4
For the Allowance thereof ————	1	9	6
For the Clerk for his pains ————	0	6	8
For the Exemplification, every Skin	1	6	8
And to the King for the first Skin for Imposition ————	2	0	0
For every other Skin for Imposition	1	0	0
For the Seal ————	1	0	6

Entry of a Recovery with Adjournments of the Term.

A *Itas prout patet &c.* (reciting the Demand). Tenant appears *Et hoc inde ad* war *S. H. Gen* *Sum* in *Con* *dict* has there were nine Returns between the Writs, and when the Returns of *Plin. Mich.* and *Quiden. mich.* were good.

This Entry was made (before the Statutes 16 & 17 Car. 22.) when

beat

beat eum hic in Octab Sancti Mich Et surd
 in Com pdict per auxilium Cur et. Idem
 dies dat est partibus pdict et. Ad quem die
 loquela pdict adjorn fuit p Breve Domini
 Regis de Comuni Adjornamento. hic scilicet
 apud Westm in Com pdict usq a die S. Mich
 in unum mensem tunc prox sequend ad
 quem diem loquela pdict ulterius adjornata
 fuit per aliud Breve dicti Domini Regis de
 Comuni Adjornamento a Westm usq
 Will dict Dni Regis de Reading in Comitatu
 Berks in Cto Animar tunc prox sequend
 Et modo pht scite apud pdict Willam dicti
 Dni Regis de Reading ad hunc diem scilicet
 ad Crastinum Animar vend tam pdict H. in
 propria persona sua quam pdict G. per At
 tornatum suum pdict Et pdict S. modo
 surd et. p R. G. Attornat suum scit vend
 Et gratis Tenentia pdict cum pnd eis war
 et. Et super hoc pdict H. pet versus ipsum
 S. tenend p war suam Tenentia pdict cum
 pnd in forma pdict et. Et unde dicit qd
 ipsemet fuit scit et. Et inde producit
 sectam et.

Et pdict S. tenend per war suam velat
 jus suum quando et. Et ulterius hoc inde
 ad war P. D. habeat eum hic a die Pasch
 in quindecim dies Et surd in Com pdict
 per auxilium Cur et. Idem dies dat est
 tam pfat J. et W. qua pfat S. hic et. Ante
 quem diem loquela pdict ulterius adjornata
 fuit per aliud Breve dicti Domini Regis de
 Comuni Adjornamento a pdict Willa dicti
 Dni Regis de Reading in Comitatu Berks
 usq

usq; ad Westm in Com Midd usq; ad eandem
Quindem Pasch &c.

Al' forma Brevis de summ' vers le deux
Vouchees.

¶ Sum per bonos sum M. D. qd &c. oct
Martini ad war H. S. quem J. D. alias voc
ad war & qui ei war unum Desuagium &c.
cum petito in D. que A. B. & M. S. in Cur
nostra coram &c. Clam ut jus suum versus
pfat H. tenend inde p war suam per breve
nostrum de ingressu super disseisinam in le
Post Et unde idem W. in eadem Cur nra
voc pfat M. Sum in Com tuo ad war ver
sus eos Et habeas ibi sum Et hoc breve
Teste &c.

Original ubi Vic est tenens.

¶ Coron suis in Com Lincoln salutem Original to the
Precept L. M. M. i. C. D. Cro Animar und Coroners.
mens &c. Quia pdict L. modo est Vic Com
pdict. It fiat executio istius brevis per pdict
Coron &c. Ita quod pdict Vic cum execu
tion inde se aliquantiter non intromittat.

Trin 14 Eliz. Rot 90.

Domina Regina mand Justic bre de in
gressu in le Post pro Comuni Recuperati
one in Trin quinto Eo'i quarti Rot 386.
& ante non vidi p Hilmer.

Al'

Al forma intrandi Breve de Mittimus.

Trin. 14 Eliz. Rot 90.

Domina Regina mandavit Justic suis de Banco breve suum Clausum in hec verba (so recite the Mittimus) Teste meipsa apud Westm decimo die Maii Anno Regni nri decimo quarto Carth Tenores unde in huius pōict sit mentio sequuntur in hec Verba (so recite the Dedimus Potestatem and the execution of it as you find.

Mich. 10 Car Rot 50.

Henricus Gold *versus* Thomas Thyme.

Writ of Seisin
to the Coro-
ners.

Et super hoc pōict Henricus dicit qd pōict
L. Willelmo Com pōict modo existit Et ea
causa petit breve Domine Regine de habere
faciend et plenariam seisinam de Tenementis
pōict cum pertinent Coron Com pōict diti-
gend Et quia per inspectionem tam brevis
originalis in placito pōict impetrat et respon-
dabit et retornat hic a die Sancti Michaelis
unum mensem isto eodem termino quam
aliorum brevis Com pōict ad eundem
mensem Sancti Michaelis in Banco hic re-
tornat et assidet pōicta allegatio pōict Henrici
comperita esse vera et conceditur retornabile
ad instanciam et.

Nota.

Le brief de seisin fait fait obe par pōict
en le fine Il. Quia pōictus L. modo est tunc
et.

et. (put in fine original) Des Woyle traher
euz hors car le byet de seisin poit estre sans
les parols.

Unus Tenend est Vic Io bre de seisin agard
Coron.

Et super hoc poict A. & C. dic quod poict Simile.
H. unus Tenend poict Wic Comd poict mo-
do exist' & ea de causa pet breve Wni Regis
de habere fac eis plenat seisinam de Tene-
mentis poict cum pertind Coron Comd poict
dirigend Et quia p inspecon tam brevis ori-
ginalis plici poict retornabil & retornat hic
in Cto Sancti Martini isto eodem Termina
quam aliorum brevium Comd poict ad eunde
Crastin Sancti Martini in Banco poict hic
retornat & assilat & retornor eorundem al-
legaco poict comperia est vera eis concedi-
tur retornabile hic indilate et. Postea scilicet
vicesimo octavo die Novembr isto eode Ter-
mino veni hic in Cur poict A. & C. in pro-
priis personis suis Et Coron videt R. S.
& H. B. modo mand et. Mich 33 & 34 Eliz.
Rot 63.

Le Vouchee est Vic Io breve de sum direct
al Coron.

In communi recuperation Tenend com-
perit & hoc inde ad war Georgium Comi-
tem Cantbr sum in Comd poict p auxilium
Cur et. Et super hoc idem J. & R. dic qd
poict Comes est Wic Comd poict & ea de
causa

Nota.
Writ of Sum-
mons to the
Coroners.

* Les parols.

causa per breve Dñe Regine de sudm ad war
 Coron Com pñict dirigens Et quia satis
 constat Cur hic p retorn brevid Com pñict
 hic in Cur residens qd allegatio pñict vera
 exist' pcept est Coron Com pñict qd sum
 per bonos sum pñict Comitem qd sit hic a
 die Sancti Martini in quindecim dies ad war
 in forma pñict et. Idem dies dat est parti-
 bus pñict hic et.

Vide similem intrakonem Pasch 3 Henr
 octavi Rot 325. & Mich 3 Henr octavi retu-
 perakonem inde.

Le Vouchee est Vic uncore les bre de sum &
 seisin retorn per luy

Nota;

Devon ff. **R** Dupe versus Sable Tenens
 p sum compuit & voc G. S.
 pñict & le sum fuit retorn p le vouchee esse-
 ant Wic & auxi le seisin p luy Mich 15 Jac
 Rot 43.

Bre de seisin retorn servie p le vieux Vic.

London ff. **S** Eisin retorn Octavis Martini
 Ad quem diem hic vend pñict
 L. in propria persona sua Et Wic videlicet
 R. S. & G. C. modo mand bre pñict eis p
 J. L. & H. W. nuper Wic London in cor-
 erictibus ab officio suo Wic London delibet
 p eosd nuper Wic execut in forma sequen-
 videlicet qd nuper Wic vicesimo septimo die Ju-
 ni ult preterit habere fecer pñict plenar
 seisinam de Tenementis pñict cum pñict pñict
 per

per bre ill eis pcept fuit &c. Trin 15 Jac
Rot 81. lieure de entries fol. 617.

Sum continue per Vic non mis bre.

Northumbr fl. **J**. H. petit versus W. W. qua
tuor Desuagia &c.

Et pdict W. in propria psona sua &c. voc
R. W. habeat eum hic in Crastin Animard
& sum &c. Et super hoc pdict W. po. lo. suo
C. H. &c. de pdict placito &c. Ad quem diem
hic veni tam pdict J. in propria persona sua
quam pdict W. per pdict C. H. Attonat
suum Et Wic nichil inde fec nec breve ill
mis Ideo pdict R. sicut prius sum qd sic
hic in Octab Scti Hillarii. Idem dies dat
est partibus pdict hic &c. Trin 14 Car
Rot 49. Pasch 33 Eliz. Rot 16. Pasch 1 Jac
Rot 56.

L'un des vouches morust sur que le tenant re-
vouch l'auter.

Hillar 3 Car Rot 58. Willus T. filius
q. L. &c. qui voc P. W. & J. D. Crastin
Trin sum &c. Idem dies dat est partibus
pdict hic &c. Ad quem diem hic veni tam p
dict W. in propria persona sua quam pdict
P. p W. H. Attonat sum Et Wic nichil inde
fec nec breve inde mis Et super hoc idem
W. dic qd post ultimam continuacon plic
pdict scilicet post Octab Sancti Hillarii ult p
terit de quo die loquela pdict ult continuat
fuit hic usq ad hunc diem scilicet decimū die

Y

Aprilis

Aprilis Anno Regni Domini Regis nunc
quarto p̄dicti R. apud T. p̄dicti obiit p̄dictus
A. ipsum supervixit super quo p̄dicti R. re-
voc inde ad war p̄dicti Rō sum in Com p̄-
dicti habeat eum hic in Crastino Animarum
per auxilium Cur &c. Idem dies dat est par-
tibus p̄dicti hic &c.

Un des Vouchees fait Chivalier.

Mich 13 Jac Rot 1. Alias prout patet &c.
Et voc inde ad war A. & B. Ar sum &c. Ad
quas quidem Octab Sancti Marti vend hic id
p̄dicti per quam p̄dicti tenend in propria per-
sona sua Et p̄dicti A. & B. (qui quidem B.
post ult continuacōn p̄lit p̄dicti ordinem mi-
litar super se suscepit & modo miles existit)
sum &c. p A. M. Attorn suum s̄lit vend &
gratis &c.

Irrotulatio & Exemplificatio Brevis de Ingressu
& Seisina &c. secundum Statut de Anno
23 Eliz. cap. 3.

R. Elizabetha &c. Omnibus ad quos Li-
tere nostre pervenerint salutem Sciatis quod
A. B. in Cur nostra coram &c. implacitavit
C. D. de uno Mesuagio cum pertinen in D.
per Breve nostrum de ingressu super disseisi-
nam in le Poss, ejus quidem brevis unacum
retorno ejusdem brevis ac p̄lit super eodem
brevi fuit ac brevis de seisina inde unacum re-
torno ejusdem b̄is de seisina necnon war At-
torn inde recept tenores sequuntur in hec s̄ba
R.

ff. Eliz. &c. (Et sic recit h're de Ingressu ver-
batim cum retorn inde & tunc) p' lita apud
Westm coram J. Dyer Mil & sociis suis Justic
Dne Regine de Banco de Termin Pasch Anu
Regni Eliz. Dei gra &c. sexto Rotulo 100.
Devon. ff. A. B. (& tunc ut in Rot cum h're
de seilina & retorn inde & tunc war' Attoz
sic) Attoz recept coram J. D. Mil & sociis suis
Justic Dne Regine de Banco de Termin
Pasch Anno Regni Eliz. &c. sexto A. B. po-
lo. suo G. H. versus C. D. de p' lit terre (&
tunc war' def.) Que omnia & singula &c.

And so recite
the Writs of
Entry, &c. ver-
batim with the
Return thereof
&c.

Aliter.

Carolus &c. salutem sciat qd inter irrotu-
lanta b'rebium & alioz dependen p' comuni-
bus recuperationibus apud Westm secundum
formam statuti de Termino Scti Hil Anno
Regni nostri decimo quinto & decimo sexto
Rot 1. continet sic Wiltz ff. Carolus &c.
(sic recite le h're de Entry le Curstozs noster
& tout Rendozment put ceo troves) Que om-
nia & singula ad requisiconem p' d' H. G.
(le d'c) tenore p' sentium durimus exemplifi-
cand In cuius rei Testimonium sigillum
nostrum ad b'rebia in Banco p' d'c sigill de-
putat p' sentibus apponi fecimus Teste Wbo.
Tyril Sam Brown & Johe Archer Justic
nris de Banco apud Westm 18 die Januarii
Anno Regni nostri decimo quinto.

Another Form
thereof.

Recting the
Writs of En-
try and Seisin
and their Re-
turns, Que
omnia, &c.

Tyril, Brown, Archer.

Y 2

Various

Various Forms of Demands.

r. **P**etit unum mesuagium duas acras tre
quatuor acras prati sex acr pasture &
communiam pastur p omnibus averiis cum
ptin in B. D. Et unde dic qd ipsemet fuit
seisit de tenementis & communia pdict cum
ptin in dominico suo ut de feodo & jure tem-
pore pacis &c.

ii. **P**et unum mesuagium duas acras tre
quatuor acras prati sex acr pasture decem so-
lidat reddit & communiam pasture p omni-
bus averiis cum ptin in P. &c. Et unde dic
qd ipsemet fuit seisit de tenementis reddit &
communiam pdict cum ptin in dominico suo ut
de feod & jure tempore &c.

iii. **P**et unum mesuagium duas acras tre
quatuor acras prati sex acr pasture octo acr
bosci quinquagint acr sampnozum & byvere
quadragint acras moze septuagint acr jun-
tarie decem acr mariset decem acr alneti de-
cem acr ruscariie quinq acr tre aqua coope
decem solidat reddit communiam pastur pro
omnilus averiis vic franc pleg libera wa-
rennam liberam piscariam libertatem salda-
gii acetiam nundinas & mercat theolonium
collagium & picagium catalla felonum fugi-
tivorum utlagat & in exigend possit deodand
catalla waviat & extrahur cum ptin in A. B.
& C. necnon rectorias de B. & C. cum ptin
ac omnes ac omniot decimas eisdem rectoriis
spectand & ptinen acetiam advocacon eccle-
siarum de D. & C. ac advocacones vicarie
ecclesi

ecclesie de F. ut jus &c. Et unde dic qd ipse
met fuit seist de centis reddit communia vie
franc pleg libera warennia libera piscaria li-
bertate saldagii nundinis mercat theolonio
stallagio & picagio catallis felonum fugitivo-
rum utlagat & in erigend poit deodand ca-
tallis wariat extrahur rectoris & decimis
pdict cum ptin in dominico suo ut de feod &
jure ac de advocacionibus pdict ut de feodo &
jure tempore pacis &c.

Quando &c. Et gratis centis reddit com-
munitiam vie franc pleg & liberam warennia
liberam piscariam libertatem saldagii nundi-
nas mercat theolonium stallagium & picagi-
um catalla felonum fugitivorum utlagat &
in erigend poit deodand catall wariat ex-
trahur rectoris & decimas pdict cum ptin
ac advocaciones pdict ei war &c. Et super
hoc &c.

Hill. 1 Jac. Rot. 84.

Devon' ff. **P**et Hundrum de A. cum ptin
Ac maneria de A. & C. nec
non custod Gaole Com pdict cum ptin Ac
eciam centum mesuagia &c. bolci sampnozum
& bzuerie reddit vie franc pleg cum ptin in
A. & B. ac advocacion ecclesie de B. ut jus
&c. Et unde dic qd ipsimet fuer seist de
Hundredo Maniis custod Gaole centis reddit
& vie franc pleg pdict cum ptin in dominico
suo ut de feod & jure & de advocacione pdict
ut de feod & jure &c.

Hill. 1 Jac. Rot. 26.

¶ Pet manerium mesuag & tenementa in
H. necnon nundinas mercat & vic franc
pleg cum pñd in H. &c.

Hill. 1 Jac. Rot. 21.

¶ Pet scitum nup monasterii fratrum mi-
norum cum pñd ac unum mesuag cum pñd
in B. Et unde dic qd ipsemet fuit leisit de
scitu & tenementis pñct cum pñd.

Hill. 1 Jac. Rot. 22.

¶ Pet reddit & libertat salvagii & cursus
obium cum pñd.

Mich. 2 Jac. Rot. 63 & 69.

¶ Pet unum mesuagium &c. & commu-
niam pastur p omnibus averiis ac duas ptes
quadragint ac' bosci in tringint & tres ptes
blibvend cum pñd in A. &c.

Mich. 2 Jac. Rot. 187.

¶ Pet dua passagia ultra aquam Th. ac
medietat manerit &c. fuit leisit de passag &
medietat pñct cum pñd in dominico suo ut
de feodo & iure &c.

Mich.

Mich. 2 Jac. Rot. 185, 186. Mich. 2 Jac.
Rot. 72.

¶ Pet libertat quatuor salbagiozum cum
ptin in C. &c.

¶ Pet reddit & libertat quatuor salbagio-
rum cum ptin in C. &c.

¶ Pet decimas portiones pentiones obla-
tiona obventiones proficua & emolumenta
quecunq; rector de B. ptin necnon quandam
pzonem decimarum in B. ac etiam abbo-
tacionem vicarie Pasch. 1 Jac. Rot. 60 & 62.

Pasch. 8. Jac. Rot. 163.

¶ Fuit seisit de manerio tenementis li-
bera piscaria reddit rectoria decimis wardis
maritag relevis escaet catallis fugitivorum
felonum de se & in exigend poit utlagatozum
attinct & wariat cum ptin in dominico suo
ut de feod & iure ac de advocacion pdict ut
de feod & iure &c.

Pasch. 8 Jac. Rot. 163.

¶ Pet maneria tenementa & reddit in A.
(except uid mesuag duobus gardin &c. in A.
ut sup &c. fuit seisit de manis teptis & reddit
pdict cum ptin (except pecept.)

Pasch. 16 Car. Rot. 59.

Lincoln ¶ C. A. pet versus J. S. unum
mesuagium & tresdecim acras tre cum per-

tin in D. & C. ac medietatem septem partium manerii de D. cum pti in octo ptes dividens necnon medietat septem partium advocacion ecclesie de D. in octo partes dividens ut sus &c. unde die qd ipsemet fuit seisit de tenementis & medietate pdict septem partium manerii pdict cum pti in dominico suo ut de feodo & jure ac de pdict medietat pdict septem partium advocacion pdict ut de feodo & jure &c.

Quando &c. Et gratis tenta & medietat pdict septem partium manerii pdicti cum pti ac pdict medietat septem partium Advocacion pdict ei war &c.

Mich. 43 & 44 Eliz. Rot. 43.

R. Pet Castellum & Burgum de C. cum pti ac Hundres & Manium de C. & M. cum pti necnon trigint mesuag duo columbar trigint gardin mille acr Tre ducent acras bosci quingent acr sampnozum & buere quingent acr marisci frisci sex librat reddit vic franc pleg & nundinas & mercat cum pti in C. & M. acetiam liberam piscariam in aquis de A. C. & M. que claud &c. Et unde die qd ipsemet fuit seisit de Castro Burgo hundro manerio tentis reddit vic franc pleg mercat & libera piscaria cum pti in dominico suo ut de feod & jure &c.

R. Pet manerium de B. cum pti ac tria mesuagia unum molendinum un Columbar sex gardina centum acr Tre vigint acr prati quadragint acr pastur cum pti in B. &

B. & C. Et unde dic qđ ipsemet fuit seisiť de manerio & tētis pđict cum pťin in domi-
nico ut de feodo & jure tempore &c.

N. Pťet unum mesuagium cum pťin in R.
&c. Et unde dic qđ ipsemet fuit seisiť de me-
suagio pđict cum pťin in dominico suo ut de
feod & jure tempore &c.

N. Pťet duo mesuagia cum pťin &c. seisiť
de tētis pđict cum pťin.

Mich. 15 Car. 2. Rot. 46.

Willelms N. Pťet Hundzedum de W. cum
pťin ac maneria de D. & S. cum pťin
necnon parcum de A. cum pťin ac eciam
quadragesim mesuagia mille acras tře cum pť-
in in D. &c. ac rectoria de S. cum pťin nec-
non omnes & omniō decimas annuatim cre-
scend pťvenienť seu renovanť in R. S. & P.
Ac eciam advocaciones de C. & D. ut sus &c.
Et unde dic qđ ipsemet fuit seisiť de hundo-
manerio parco tētis & rectoria pđict cum pť-
in ac decimis pđict in dominico suo ut de
feodo & jure necnon de advocacion pđict ut
de feodo & jure tempore pacis &c. Quando
&c. Et gratis hundzedum manerium parci
tēta & rectoriam pđict cum pťin ac decimas
& advocaciones pđict ei war &c.

Pťet unam acram terre cum pťin &c.
Et unde &c. seisiť de pđict una acr tře cum
pťin &c.

Pťet duas acras terre cum pťin &c. Et
unde seisiť de tenementis pđict cum pť-
in &c.

Hill.

Hill. 6 Jac. Rot. 61.

II. Recuperatio de annuo redditu ex eund de manerio &c.

Mich. 3 H. 8. Rot. 113.

III. Common Recovery sur Wrebe de Disceit.

Hill. 5 Eliz. Rot. 10.

Notando.

Et ventrie vers un viscount serr' issint nolme & nemy Seignior, ou le Case de Seignior Mountague.

Et m'roit lieu & Comd ou acc serr' port p Prisoner qd reddat poit-ee prise si le tre est en Will ou Hamlet ou lieu conus hors de Will & Hamlet.

Mes p Moyle &c. gist en Hamlet ou lieu conus car il recovera p biens de Juroz issint in dower car la el viz. la demandant ne d' tre en cert' issint in trespass Mes pcepte qd reddat gist d'un mannor sans mencion ou le mannor e si le mannor soit hors de Will & Hamlet.

See the Form of the Surrender at the end of this Book.

Leas pur vie Cestuy en reſcon voet suffer Common Recovery mes ne poet pur ceo que le Lessee ad le Franktenement ergo la voy ceo est le Lessee surrendra en reversion & donqz il poit suffer Recovery Mes pur le assurance del tenant que il n'ad pjudice per son surr le use e pur luy de faire le surr sur cond

cond que si celui en reversion ne paye al
Lesse un grand somme d'argent al un jour le
surr serr void.

W. P. 99.

Upon view of the Deed that did lead the
Uses of a Recovery, in which the Town where
the Lands lay was rightly named (*Sutton*) the
Writ of Entry was amended where it was writ-
ten *Sulton*.

Pat. 39 Eliz. Rot 28. Common Recovery
d'un Advowson sur Breve de Droit d'Ad-
vowson.

Buck's ff. Willus Palmer in ppria per-
sona sua pet versus M. D. Clericum advoca-
tionem Ecclesie de H. quam ei injuste defore
et. Et unde dic qd ipsemet fuit seist de ad-
vocatione pdict ut de feodo & iure tempore
pacis tempore Dne Regine nunc Et sic inde
seist existend ad Ecclesiam illam vacand pre-
sentabit quendam Ricum R. Clericum suum
qui ad presentationem ipsius W. P. fuit ad-
missus & institut in eadem tempore pacis
tempore Dne Regine nunc qui quidem R. R.
cepit inde exple ut in grossis decimis minu-
tis decimis oblationibus & obventionibus ad
valentiam et. ut in iure Ecclesie sue pdict
Et qd tale sit ius suum offert et. Et pdict
M. in ppria psona sua vend & defend ius pdict
W. P. & seisinam suam quando et. Et totid
et.

ꝛc. Et quicquid ꝛc. maxime de advocacione
 ꝑdict ut de feodo & jure ꝛc. Et voc. inde ad
 war. J. A. gen. qui pꝛesens est hic in Cur.
 in propria persona sua. Et gratis hic in Cur.
 advocacionem ꝑdict ei war. ꝛc. Et super hoc
 ꝑdict M. pet. versus ꝑdict J. A. tenend. per
 war. suam advocacionem ꝑdict in forma ꝑdict
 ꝛc. Et unde dic. qđ ipsemet fuit seisiť de ad-
 vocacione ꝑdict ut de feodo & jure tempore
 pacis tempore Dñe Regine nunc. Et sic inde
 seisiť existend. ad Ecclesiam illam vacand. pꝛe-
 sentabit ꝑdict R. R. Clericum suum qui ad
 pꝛesentationem ipsius M. P. fuit admissus
 & institut. in eadem tempore pacis tempore
 Dñe Regine nunc qui quidem R. R. cepit
 inde expleť ut in grossis decimis minutis de-
 cimis oblationibus & obventionibus ad va-
 lenciam ꝛc. ut in jure Ecclesie sue ꝑdict. Et
 qđ tale sit jus suum offert ꝛc. Et ꝑdict J. A.
 tenend. p. war. suam defend. jus ꝑdict M. &
 seisinam suam quando. ꝛc. Et totum ꝛc. Et
 quicquid ꝛc. maxime de advocacione ꝑdict ut
 de feodo & jure. Et ultius voc. inde ad war.
 R. B. qui pꝛesens est hic in Cur. in ppria per-
 sona sua. Et gratis advocacione ꝑdict ei war.
 ꝛc. Et sup. hoc ꝑdict M. P. pet. versus ip-
 sum R. Tenend. p. war. suam advocacione ꝑdict
 in forma ꝑdict ꝛc. Et unde dic. qđ ipsemet
 fuit seisiť de advocacione ꝑdict ut de feodo &
 jure tempore pacis tēpore Dñe Regine nunc.
 Et sic inde seisiť existens ad Ecclesiam illam
 vacand. pꝛesentabit ꝑdict R. R. Clericum suum
 qui ad pꝛesentationem ipsius M. P. fuit ad-
 missus & institut. in eadem tempore pacis
 tempore

tempore Dñe Regine nunc &c. qui quidem
 R. R. cepit inde expleū ut in grossis decimis
 minutis decimis oblationibus & obventioni-
 bus ad valenciam &c. ut in iure Ecclesie sue
 p̄dict Et qđ tale sit ius suum offert &c. Et
 p̄dict R. H. tenend p war suam defend ius
 p̄dict W. P. & seisinam suam quando &c.
 Et totum &c. Et quicquid &c. Et maxime
 de advocacione p̄dict ut de feod & iure &c. Et
 ponit se in magnam Assisam Dñe Regine
 Et p̄t recogni inde fieri utrum ipse magis
 ius habet tenend advocacionem p̄dict ut te-
 nens inde p war suam ut ill tenet an p̄dict
 W. habend eandem advocacionem ut ill su-
 perius p̄t &c. Et p̄dict W. P. p̄t licenc
 inde infloquendi & habet &c. Et postea idem
 W. reven hic in Cur isto eodem Termino
 in ppria psona sua Et p̄dict R. H. licet so-
 lempnit̄ exact non reven set in contempt
 Cur recessit Et default fac Ideo considerat
 est qđ p̄dict W. P. recuperet seisinam suam
 versus p̄fat M. de advocacione p̄dict tenend
 eidem W. & hered suis quiete de p̄dict M. &
 hered suis Acccia de p̄dict J. A. & hered suis
 necnon de p̄dict R. H. & hered suis impe-
 tium Et qđ idem M. heat de tra p̄dict J. A.
 ad valenc &c. Et qđ idem J. A. ultius heat
 le tra p̄dict R. H. ad valenc &c. Et idem
 R. in mia &c. Et sup hoc p̄dict W. p̄t bre
 Dñe Regine faciend ei plenar seisinam de ad-
 vocacione p̄dict vic Com p̄dict dirigend Et
 ei concedit &c. retornabile hic a die Pas in
 quinq septimanas &c. Ad quem otem hic ven
 p̄dict W. in ppria psona sua Et vic videte
 A. L.

Recoveries.

A. T. Ad modo mand qđ ipse virtute bñs illius sibi directi vicesimo die Aprilis ultimo preterito here fecit pñat W. P. plenar seisinam de advocatōe pñat pñt p bre illud sibi pcept fuit.

Hill. 6 Jac. Rot. 20.

¶ R. Recuperaō in breve de rō Advocatōnis cepit explez &c. ut in iure Ecclesie sue pñat.

Pasch. 14 Eliz. Rot. 427.

R. In Consil Pet narr' super presentacionem A. pñs sui & filii presentacionem suam pñt.

Hill. 6 Jac. Rot. 152.

R. Recuperaō de advocacione quinte pñs advocacionis &c.

Mich. 2 Jac. Rot. 29.

R. Pet advocacionem medietat Ecclesie de C.

Pasch. 23 H. B. Rot. 336.

R. W. S. J. A. & C. P. p C. M. Attord suum pet versus R. W. & J. C. & J. B. manerium de P. cum pñd ac octo mesuagia octo gardina trescent & decem acras tre septuagint

trigint acres prati centum acres pasture tri-
gint acres bosci trigint acres sampnozumi &
buere & trigint solidat reddit cum p̄t̄n̄ in
B. &c. ut ius & hereditatem suam Et in que
tidem R. J. & J. non hent ingressum nisi post
disseisinam quam Hugo Bunt inde injuste &
sine iudicio fec̄ p̄lat̄ M. J. & G. post primā
&c. Et unde dic̄ qđ ipsimet fuer̄ seisiť de ma-
nerio tenementis & reddit̄ p̄dict̄ cum p̄t̄n̄
in dominico suo ut de feodo & iure tempore
pacis tempore Dñi Regis nunc capiend̄ inde
expleť ad valenciam &c. Et in que &c. Et inde
pduc̄ sect̄ &c.

Quoad 3 pars voc̄ T.

Et p̄dict̄ R. J. & J. in p̄p̄iis p̄sonis suis
ven̄ & defend̄ ius suum quando &c. Et quoad
fciam p̄tem manerii tenementozum & reddit̄
p̄dict̄ cum p̄t̄n̄ voc̄ inde ad war T. J. Ac
qui p̄sens est hic in Cur̄ in p̄p̄ia p̄sona sua
Et gratis eandem fciam partem cum p̄t̄n̄
eisdem R. J. & J. war &c. Et sup̄ hoc p̄dict̄
M. J. & G. pet̄ versus ipsum T. tenend̄ per
war suam fciam p̄tem p̄dict̄ cum p̄t̄n̄ in
forma p̄dict̄ &c. Et unde dic̄ qđ ipsimet fuer̄
seisiť de fcia p̄te p̄dict̄ cum p̄t̄n̄ in domi-
nico suo ut de feod̄ & iure tempore pacis tem-
pore Dñi Regis nunc capiend̄ inde expleť ad
valenciam &c. Et in quam &c. Et inde pro-
duc̄ sect̄ &c. Et quoad medietatem resid̄ ma-
nerii tenementozum & reddit̄ p̄t̄n̄ cum p̄t̄n̄
eisdem R. J. & J. voc̄ inde ad war A. M. gen̄
qui p̄sens est hic in Cur̄ in p̄p̄ia p̄sona sua
Et

Et gratis eandem medietatem cum pertinent
eisdem R. J. & J. war &c. Et super hoc pōict
W. J. & G. petunt versus ipsum A. tenend
p war suam medietatem pōict cum ptiū in
forma pōict &c. Et unde dic qđ ipsimet fuer
seisit de medietat pōict cum pertinent &c. Et
inde pduc lect &c. Et quoad totum residū ma
nerit tenementorum & reddit pōict cum ptiū
iisdem R. J. & J. voc inde ad war C. B. qui
prensens est hic in Cur in ppria psona sua Et
gratis residū illud cum ptiū eisdem R. J. &
J. war &c. Et sup hoc pōict W. J. & G. pe
tunt versus ipsum C. tenend p war suam re
sidū illud cum ptiū in forma pōict &c. Et
unde dic qđ ipsimet fuer seisit de residū pōict
cum ptiū Et in quod &c. Et inde pduc
lectam &c.

Le Common Vouchee.

Et pōict W. A. & C. seperatim tenend per
war suam seperatim defensū suū quando
&c. Et ibidem T. quoad pōict Etiam partem
cum ptiū versus eum petit ultius voc inde
ad war R. W. qui prensens est hic in Cur
in ppria psona sua Et gratis eandem medie
tat cum ptiū ei war &c. Et pōict A. quoad
pōict medietat cum pertinent versus eum petit
ultius voc inde ad war presat R. qui pre
sens est hic in Cur in ppria psona sua Et
gratis eandem medietatem cum ptiū ei war
&c. Et pōict T. quoad pōict residū cum per
tin versus eum petit ultius voc inde ad war
pōict R. qui prensens est hic in Curia in ppria
psona

persona sua Et gratis restit illud cum pers-
ctid ei war &c. Et sup hoc pdict W. J. &
G. petunt versus ipsum R. tenend p war
suam maner tenta & reddit pdict integra cu
ptid Et unde dic qd ipsimet fuer scilicet de
manerio tentis & reddit pdict cum ptid in
dominico suo ut de feodo & iure tempore
pacis tempore Dne Regine nunc capiend
inde explez ad valenc &c. Et in que &c. Et
inde pone sect &c.

Et pdict R. tenens p war suam defend jus
suum quando &c. Et dic qd pdict Hugo non
disleisibit pstat W. J. & G. de manerio tentis
& reddit po cu ptid put iidem W. J. & G. P.
habe & narrationem sua pdict supius suppon
Et de hoc pon se sup patriam &c. Et pdict
W. J. & G. pet licenc inde infloquendi Et
habent &c. Et postea iidem W. J. & G. re-
vend hic in Cur isto eodem Termino per
Attoz suum pdict & pdict R. licet solemp-
nit exact non revent let in contemptum Cur
recessit & defall fac Ideo considerat est quod
pdict W. J. & G. recuperent seisinam suam
versus pstat R. J. & J. de manio tentis & red-
dit pdict cum ptid Et qd iidem R. J. & J.
habeant de tra pdict L. ad valenc pdict Ecie
partis supius versus eum petiit &c. Et quod
idem L. ultius habeat de tra pdict R. ad va-
lenc inde &c. Et qd iidem R. J. & J. habeant
de tra pdict A. ad valenc pdict medietat
supius versus eum petiit &c. Et qd idem A.
ultius habeat de tra pdict R. ad valenc inde
&c. Et etiam qd iidem R. J. & J. habeant de
tra pdict C. ad valenc pdict restitui supius
versus

versus eum petit &c. Et quoad idem C. ultimus habeat de tra p̄dict. R. ad balencia inde &c. Et idem R. in mid &c. Pasch. 23 H. 8. Rot. 426.

Simile Hill. 5 H. 8. Rot. 519.

Et quoad terciam partem tenementorum p̄dict. integrorum cum pertinen. idem T. hoc inde ad war. R. qui p̄sens est &c. Et gratis &c. Et quoad medietat. alterius scilicet p̄dict. tenementor. integrorum cum pertinen. idem T. hoc inde ad war. W. qui p̄sens est &c. Et gratis &c. Et super hoc p̄dict. D. petit versus p̄fect. R. p̄dict. terciam partem cum pertinen. unde idem R. superius vocatur ad war. &c. versus p̄fect. W. p̄dict. medietatem p̄dict. tercie partis cum pertinen. unde idem W. superius vocatur ad war. &c. Et versus &c. Et unde dic. qd. ipsimet fuer. scilicet de tenentis p̄dict. integris cum pertinen. in dñico suo &c.

Mich. 41 & 42 Eliz. Rotulo 12. Quoad unam medietat. &c.

Et p̄dict. A. per J. C. Accord. suum vend. & defend. jus suum quando &c. Et quoad unam medietat. manent. tenementorum ubi heri piscat. & commune pasturo p̄dict. cum pertinen. hoc inde ad war. C. B. qui p̄sens est

est hic in Cur in propria persona sua Et
gratis eandem medietatem cum pertinen
eidem R. warant &c. Et quoad alteram
medietatem resid manerii tenementorum li
bere piscar & commune pasture pdict cum
pertinen idem R. voc inde ad war T. P.
qui similiter presens est hic in Cur in pro
pria persona sua Et gratis eandem medie
tatem cum pertind ei war &c. Et super
hoc pdict R. & T. petunt versus ipsum
C. tenend per war suam medietatem pre
dict cum pertind unde idem C. superius vo
catur ad war &c. Et super hoc pdict R.
& T. pet versus ipsum T. P. tenend per
war suam medietatem pdict cum pertind
unde idem T. superius vocatur ad war in
forma pdicta &c. Et unde dic quod ipsi
met fuer seisti de manerio tenementis li
bera piscar & communia pasture pdict in
tegris cum pertinen in dominico suo ut de
feodo & jure tempore pacis tempore Domine
Regine nunc capiendo inde exple ad valen
ciam &c. Et in que &c. Et inde produc
sectam &c. Et pdict C. & T. P. sepe
tim tenend per war suam seperatim defen
sus suum quando &c. Et idem C. quoad
pdict medietatem cum pertinen superius
versus eum pett ulterius voc inde ad war
T. B. filium ipsius C. qui presens est hic
in Cur in propria persona sua Et gratis
eandem medietatem cum pertinen ei war
&c. Et super hoc pdict R. & T. P. pet
versus ipsum T. B. tenend per war suam
medietatem pdict cum pertinen unde ipse
Z 2 superius

superius vocatur ad war' in forma predict' sc. Et unde dic' quod ipsemet fuer' seisi' de medietate ill' cum pertinen' simulcum altera medietate manerit sc. cum pertinen' in dominico suo sc. Et inde propue' legam sc. Et predict' T. B. tenen' per war' suam defens' sus suum quando sc. Et quoad predict' medietatem cum pertinen' superius versus eum petit ulterius hoc inde ad war' R. B. qui p'elens est hic in Cur' in propria persona sua Et gratis eandem medietatem cum pertinen' ei war' sc. Et predict' T. B. quoad predict' medietatem sc. resid' cum pertinen' superius versus eum petit ulterius hoc inde ad war' p'efat' R. B. qui p'elens sc. Et gratis medietatem predict' resid' cum pertinen' ei war' sc. Et super hoc predict' R. & T. B. pet' versus ipsum R. B. tenen' p' war' suam manerium sc. integra cum pertinen' in forma predict' sc. unde dic' quod ip' fuit seisi' de sc. integris cum pertinen' in dominico suo ut de feodo & iure sc. [Et quod predict' B. sc. non disc'isivit p'efat' peten' de manerio sc. integris cum pertinen' prout sc. Et predict' peten' pet' licenciam sc.] Ideo considerat' est quod predict' petentes recuperent seiss'nam suam versus p'efat' Tenen' de manerio sc. integris cum pertinen' Et quod idem R. habeat de tra predict' C. ad balenciam medietat' predict' superius versus eum petit sc. Et quod idem C. ulterius habeat de tra predict' T. B. ad balenciam sc. Et quod idem T. B. ulterius habeat de

de terra predicta R. V. ad valenciam inde
 &c. Et similiter quod idem tenent habeant
 de terra predicta T. V. ad valenciam me-
 dietat superius versus eum petat &c. Et
 quod idem T. V. ulterius habeat de terra
 predicta R. V. ad valenciam inde &c. Et idem
 R. V. in mia &c.

Pasch. 40 Eliz. Rotulo 75. Certificacō war'
 Attorn' per Executor' Justic' per Breve de
 Certiorar'.

Memozandum quod G. S. Arnd unus Ex-
 ecutorum testamenti J. B. nuper unius Jus-
 tic' Domine Regine de Banco hic tertio die
 Maii isto eodem termino virtute brevis ejusdem
 Dñi Regine sibi directi quod sequit in hec
 verba Eliz. &c. (recitand tot breve) mis hic
 predict war Attorn' unde in eodem brevi fit
 menço que sequit in hec verba Eliz. &c. Trin
 23 Car. Rot. 24.

Auriel.

ff. Memozand quod T. J. gen & G. V. Alter p' Exec
 gen executor testamenti J. W. nuper unius Justic'.
 Justic' Domine Regine de Banco hic vices-
 simo primo die Novembris isto eodem ter-
 mino deliberaver' hic in Cur' brevia annex'
 quorum tenor sequitur in hec verba Eliz. &c.

Pasc 3 & 4 Ph. & M. Rot. 623.

Altre per
Exec' servien
ad Legem.

¶. Memorandum quod B. C. Willelmus Cretutris
testi R. C. und' servien Dñi Regis & Dñe
Regine ad legem que sola administravit bona
& catalla pñict R. (et die) isto eodem Mero-
mino virtute brevis dicti Dñi Regis & Dñe
Regine Reperendo in Christo Patri & pñi-
lecto Consiliari' eorundem Dñi Regis & Dñe
Regine L. Elien Episcopo & pñat B. C. p
nomina &c. Grece testi R. C. &c. quod sequit
in hec verba Philippus & Maria &c. (ecit
eorum breve) mis' hic war' pñict quod quide
war' in Custos W. C. pñict Clerici pñictorum
Dñi Regis & Dñe Regine de Banco hic as-
silatur cuius tenor sequit in hec verba Cor-
nubi A. Pompe &c.

Trin 3 Eliz. Rot 413.

Nota.

In Coi recuperac' Tenens voc' ad war' &
le Wouchee pet' quid her' a lup' ller a garrant
& tenend' pñictat finem levat p' le wouch' & ur'
B' t' warrant.

Et pñict le wouch' dñe quod ipse non potest
dedite quin fin' potest levare int' &c. in Ma-
ner' Tenementis & reddit' pñict cum pñictis nec
quin ipse eadem Maneria &c. pñat tenend' p'
hered' suis contra ipsum le Wouchee & hered'
suos warrantizare debent Et eadem Maneria
&c. eidem tenend' war' Et super hoc &c.

Trin

Trin 3 Eliz. Rot 140.

In ingru' in le Post teneid hoc **L. III.** Nota.
qui comperuit qd per quod pōict teneid ostendit
quid specialitatis heat p qd wat debeat. Et
ostendit Cartam cum wat &c.

Ordinat fuit p Cur qd wat Attozū tam
p Teneid quam p Mouchat intrentur de Ter-
mino Sancti Hillar Anno secundo Eliz. Re-
gine int Stevens & Prestlād & Water-house
p Tentis in Comd Essex Trin 29 Eliz.

Waters are not demandable by that Name in *Nota.*
a Precipe, but the Land whereupon the Water
standeth or floweth, as *vigint* acras terre
aqua cooperte, Co. Lit. fo. 4. a.

Gorges a deep Pit of Water; a Gors or
Gulf consisteth of Water and Land, and there-
fore by the Grant thereof by that Name, the
Soil doth pass, and a Precipe doth lie thereof,
and shall lay his esplees in taking of Fishes, as
Bream, Roches, &c. *ib. fo. 5, 6.* Stadium Fer-
lingus or quarentena terre is a Furlong of
Land, and will pass by that Name, and some
hold that by that Name it may be demanded,
ibid.

Many things may pass by a Name, that by the
same Name cannot be demanded by a Precipe
(for that doth require more prescript Form)
but whatsoever may be demanded by a Precipe,
may pass by the same Name by way of Grant,
ibid.

Trin 37 Eliz. Rot 2078.

Nota.

Morgan & Owen, terr' fuit done al Baron & feme & al heirs del Corps le baro engenderer perent eux le : bar' solent suffer un Common recovery. Agré p' tous les Justices que le Recovery fuit void a barr' l'estate Tail : le reason fuit p' ceo que le recompence ne ala al feme, car si le baron ad fait feoffment in fee & reprist estate & puis suffer un recovery come il puilloit, la le Recovery ad ee del' antier estate.

Nota.

If the first Tenant in Tail doth not discontinue, then a single Voucher serves, but if there be a discontinuance (as thus, the first Tenant in Tail makes a Feoffment, and then takes back an Estate Tail) then it must be a double Voucher.

T. Waller.

Pasch 20 Car Regis 2. Rot 2.
Wyrley Bedd.

II. Precipe R. D. Iud Gen quod iuste et reddenat R. G. Sen Gen Manerium de Woddington cum ptin ac vigint & quinqz Mesuagria totia unum molendinu ventricum duo Columbar' vigint & quinqz Cardina octingent & quinquagint Acr Terre quadragint & quinqz Acr Prati centum Acres Pasture seragit & quinqz Acr Bosci quingent Acr Tarnporum & Buere sex Librat Reddit Coiam

Coiam Pastur p omnibus averiis libam piscariam libam Warrennam Wic Franc Pleg Bona & Catalla wariat & extrahur Bona & Catalla Felon Fugitivorum Ulagat attinct felon de se deodand Thesaur invent & omnes Jurisdictiones Franches & Libertat cum pnd in P. H. L. alias L. S. & W. Pecnon Rectoriam de P. cum pnd acetiam omnes & omnimod Decimas Oblationes Portiones & Pensiones annuatim provenient crescent seu renovand in P. ac Advocationem Vicarie Ecclesie de P. que clard &c.

Et unde dic qd ipsemet fuit seisit de Warnerio Tenementis Reddit Communia liba Piscaria libera Warrenna Wic Franc pleg Bonis & Catallis wariat & extrahur Bonis & Catallis Felonum Fugitivorum Ulagat attinct Felon de se deodand Thesaur invent & omnibus Jurisdictionibus Franches libertat Rectoria Decimis Oblationib9 Portionibus & Pensionibus pdict cum pnd in dominico suo ut de feodo & jure ac de Advocatione pdict ut de feodo & jure tempore pacis &c.

Et gratis Pania Tenementa Reddit Communia liberam Piscariam liberam Warrennam Wic Franc Pleg Bona & Catalla wariat & Extrahur Bona & Catalla Felon Fugitivorum Ulagat attinct Felon de se deodand Thesaur invent & omnes Jurisdictiones Franches Libertates Rectoria Decimas Oblationes Portiones & Pensiones pdict cum pertineat ac Advocationem pdict ei war &c.

Nota

Nota semper dicere, Quod Demandans fuit
seisit de omnibus parcellis quibuscumque in
dominico suo ut de feodo & iure nisi sit de Av-
vocatione & tunc omittit verba (in dominico
suo) ut infra apud hoc signum *

Et unde dic' qd' ipsemet fuit seisit de Ma-
neriis Tenementis & reddit' p'dict' cum p'tid
in dominico suo ut de feodo & iure ac de * Av-
vocatione p'dict' ut de feodo & iure tempore
et.

Et gratis Maneria Tenementa & Red-
dit' p'dict' cum p'tinenti ac Avvocationem p-
dict' et.

London II. Precipe C. B. Gen' quod iuste
et. reddat H. P. Gen' irespetim Meluagia
cum p'tid in Paroch' Sancti Andree Hol-
born que claud' et.

De 13 Meluag.

Et unde dic' quod ipsemet fuit seisit de Me-
luagiis p'dict' cum p'tid in dominico suo ut
de feodo et.

De quatuor Acris Prati.

Et unde dic' qd' ipsemet fuit seisit de qua-
tuor Acris p'dict' cum p'tid in dominico et.
Et in quas et. Et inde ponit sextam et.

De duobus Communis.

II. Precipe A. B. i C. D. sex Meluagia
et. Communiam Pastur' p' omnibus Adils

& Communiam Turbarie cum pertind &c. Et unde sic qd seist fuit de Tenementis & Communis pōict in dominico suo &c.

Note, The most proper way to find out a *to find out*
Recovery formerly passed, is to search with the *show you*
Clerk of the Warrants, who useth to take Notes *formerly pass*
out of all the Plea Rolls of all the Prothonotaries *books with his*
Offices, and enters them distinctly and fairly *books of y^e*
into a Register-Book, every Office by it self, *Warrant*
and also the Number of the Roll.

*The Form of a Surrender or Lease
to make a Tenant to the Precipe
for a Common Recovery.*

This Indenture made, &c. between *A. B.*
of &c. of the one part, and *C. D.* of, &c.
of the other part; *Witnesseth,* That where-
as the said *A. B.* doth hold for the Term of his
Life, one Messuage &c. in *D.* in the County of
E. the immediate Reversion or Remainder
whereof doth belong to the said *C. D.* and his
Heirs, or to the Heirs of his Body lawfully be-
gotten, for ever. Now the said *A. B.* for
the perfecting of some Assurance shortly to be
made of the same Messuage, &c. by way of
Common Recovery, hath granted and surren-
dred, and by these Presents doth grant and sur-
render

render unto the said C. D. and his Heirs upon the Condition herein after mentioned, all that the said Messuage &c. and all the Estate, Right, Title and Interest of the said A. B. therein ~~To Have and to Hold~~ to the said C. D. and his Heirs upon Condition, That if the said C. D. do not pay or cause to be paid to the said A. B. the sum of one thousand Pounds of lawful English Mony upon the first day of &c. next ensuing after the date hereof, That then and from thenceforth this present Grant and Surrender shall be utterly void and of none Effect: And that then also it shall and may be lawful to and for the said A. B. into the said Messuage &c. to re-enter, and the same to have again, repossess and enjoy as in his former Estate and Right, any thing in these Presents to the contrary in any wise notwithstanding. In Witness, &c.

A Lease and Release, to make one Tenant to the *Precipe* in a Recovery, and lead the use thereof.

A Lease for a year (by way of Bargain and Sale, according to the Statute.)

This Indenture made &c. Between T. H. of, &c. of the one part, and I. B. of, &c. of the other part, *Witnesseth*, That the said T. H. for, and in consideration of the Sum of Five Shillings of lawful Mony of *England* to him in hand paid by the said I. B. at or before the Ensealing and Delivery of these Presents, the Receipt whereof is hereby acknowledged; Hath bargained

bargained and sold, and by these Presents doth bargain and sell unto the said *I. B.* All, &c. ~~To Have and to Hold~~ the said &c. Tenements, Hereditaments and Premises, with the Appurtenances hereby bargained and sold, or mentioned or intended to be hereby bargained and sold unto the said *I. B.* his Executors, Administrators and Assigns, from the day next before the day of the Date of these Presents, for, during and unto the full end and term of one whole year from thence next ensuing, and fully to be compleat and ended: To the intent and purpose that the said *I. B.* may be the better enabled to receive and take a Grant or Release of the Premises hereby bargained and sold, or mentioned or intended to be hereby bargained and sold to him and his Assigns, for and during the Natural Life of the said *T. H.* in such sort, manner and form, as in and by one Indenture intended to bear Date the day next after the day of the Date of these Presents, the same shall be granted, released and conveyed. In Witness, &c.

The Release.

This Indenture Tripartite made &c. Between *T. H.* of the first part, *I. B.* of the second part, and *R. H.* of &c. of the third part. Witnesseth, That the said *T. H.* for and in consideration of the Sum of five Shillings of lawful Mony of *England* to him in hand paid by the said *I. B.* at or before the Ensealing and Delivery of these Presents, the Receipt whereof is hereby acknowledged: Hath given, granted, released

released and confirmed, and by these Presents doth give, grant, release and confirm unto the said *I. B.* All &c. late in the Tenure or Occupation of the said *T. H.* (but now all in the actual possession of the said *I. B.* by force of an Indenture of Bargain and Sale thereof made, bearing Date the day before the Date of these Presents, and of the Statute for transferring of Uses into possession being) **To Have and to Hold** All and singular the said, &c. and all and every the Premises with the Appurtenances hereby given, granted, released and confirmed, or mentioned or intended to be hereby given, granted, released and confirmed unto the said *I. B.* and his Assigns, for and during the Natural Life of the said *T. H.* To the intent and purpose that the said *I. B.* shall and may be perfect Tenant of the Freehold of all the said Lands and Premises, until one or more good and perfect Recovery or Recoveries may be had against him the said *I. B.* of the same Lands and Premises. And it is covenanted, granted, concluded and agreed by and between all the said Parties to these Presents, That it shall and may be lawful to and for the said *R. H.* before the last day of *Hill*. Term next ensuing the Date of these Presents, to prosecute out of the High Court of *Chancery* one or more Writ or Writs of Entry, *sur Disseisin en le post* against the said *I. B.* returnable in the Court of *Common Pleas* at *Westminster*, whereby the said *R. H.* shall and may respectively demand against the said *I. B.* all and singular the aforementioned Premises with the Appurtenances by such Name
or

or Names, Quantity or Quantities, Quality or Qualities, Numbers or Content of Acres as shall be thought fit and requisite, unto which said Writ or Writs the said *I. B.* shall appear in proper Person, and shall vouch to Warranty *T. H.* who shall appear *gratis* upon the Voucher, and shall enter into Warranty, and shall vouch over to Warranty the common Vouchee, and the common Vouchee shall appear and imparle, and afterwards make default, whereby one or more Recovery or Recoveries, Judgment or Judgments, may be had and given for the said *R. H.* for Recovery of the said &c. Tenements Hereditaments and Premises afore said, against the said *I. B.* and for the said *I. B.* to recover over in value against the said *T. H.* and for the said *T. H.* to recover over in value against the Common Vouchee, according to the manner and form of Common Recoveries in such Cases used. And it is further covenanted, granted, concluded, agreed and declared by and between all and every the said Parties to these Presents, and the true intent and meaning of the Parties to these Presents is; That from and immediately after the said Common Recovery or Recoveries shall be had, prosecuted and suffered as afore said, of the said Premises, The said Recovery or Recoveries shall be and enure, and shall be construed, esteemed, adjudged, and taken to be and enure, and are hereby declared to have been intended to be and enure, That the said *R. H.* and all and every other Person and Persons which shall be seised of the Premises or any part thereof, by force or vertue of the said Common Recovery or Recoveries

veries shall stand and be seized thereof, and of every part and parcel thereof with their and every of their Appurtenances to the only use and behoof of the said T. H. his Heirs and Assigns, and to no other use, intent or purpose whatsoever. In Witness, &c.

Concerning the Operation and Effect of Recoveries.

9 Co. 127.

3 Co. 80.

1 Co. 22. 62.

5 Co. 41. 10.

37, 39. 7 H. 8.

4. Jenk. Cent.

6. ca. 35, 39.

See Doff. &

Stud. 41, 49, 50.

Stiles Rep. 450.

Stranger not
barred.

Condition not
to alien, barr'd

A Common Recovery is much of the Nature of a Fine, but is better in regard it bars Remainders and Reversions; upon a Recovery an Use may be averred as well as upon a Fine; it is a formal and orderly Assurance of Lands, and it may be avoided, if suffered by Covin to deceive purchasers, or any usurious Contract as another fraudulent Conveyance. That it hath great favour from the Law, many of the Inheritances of the Kingdom depending upon this Assurance, and no Error, except it be a notorious and gross Error in it, will make it voidable; for that it is done by consent, and doth suppose a Recompence in value to all persons that lost the Estate.

That a Stranger, that hath Right to the Land at the time of the Recovery suffered, is not barred at all by the Recovery or by his Laches of Non-Claim, &c. as in the Case of a Fine, 3 Co. 5.

That a Condition, that a Donee in Tail shall not alien is void; and therefore such a Donee in Tail

Tall may, notwithstanding such Condition by Recovery bar it, 9 Co. 127.

That he that is in an Estate in Possession by Title paramount. Title above the Recovery, shall not be bound by the Recovery, 1 Co. 96. a.

That a Recovery with single Voucher cannot be a Bar of an Estate Tail, to which he that suffers the Recovery has only a Right at the time of the Recovery suffered, 3 Cro. 828. The Recorveree not seised.

That the Recoverers are not in Seisin of the Land till Execution, albeit the Land be in Lease for years, Moor 137. Recoverers not in Seisin till Execution.

That if a Recovery be had against a Tenant in Tail, and Judgment entred, and the Tenant in Tail die before Execution, yet Execution may be sued against the Issue in Tail, 1 Co. Shelly's Case, Moor 137. Tenant in Tail dies, Execution sued against the Issue in Tail.

That whosoever may suffer a Recovery, he or she may declare the Uses of it, 10 Co. 42. Uses declared.

The Statute of 7 H. 8. ca. 4. shews how Recoverers may distrain for Rent, &c. Distress for Rent.

Stat. 21 H. 8. ca. 15. shews how Termor for years may falsifie a feigned Recovery, and that a Recoverer may have the same Remedy for Rent, Wast, &c. as the Recorveree had: and Termor for years may falsifie Recovery.

That no Statute-Merchant, Staple or Execution by Elegit shall be avoided by such feigned Recovery. Statute not avoided by Recovery.

That no Heir in Tail (the Reversion and Remainder in the King) shall be barred by Common Recovery, Stat. 34 & 35 H. 8. ca. 20. The Reversion in the King. But this is supposed, where the Land is of the King's Gift, and not of a Subject. Moor 344.

As if Tenant for Life make a Lease for years, and the Lessee doth make a Feoffment in Fee, and the Feoffee suffereth a Recovery and voucheth the Tenant for Life, 'tis not good against the Reversioners or Remainders.

Assent upon Record.

Recovery suffered by Spiritual persons.

Tenants for Life, and he in the Remainder vouch the Common Vouchee, *Co. 3. 6.*

By *Stat. 14 Eliz. ca. 8.* Recoveries had or prosecuted by Agreement (or by Covin) against Tenants by the Curtesie, Tenants in Tail after Possibility of Issue extinct for Term of Life or Lives, or of Estates determinable upon Life or Lives, &c. shall be void, as against the Reversioners or them in Remainder, and against their Heirs and Successors.

But this Act is not to prejudice any person that shall by good Title recover any Lands, &c. without Fraud by reason of any former Right or Title; also every such Recovery had by Assent and Agreement of the person in Reversion or Remainder appearing of Record in any of the Queens Courts, shall be good against the Party so assenting: But this Assent must appear upon the same Record either upon a Voucher, Aid Prier, Receipt, or the like, and not by any extrajudicial Entry or *Memorandum*, *Co. Lit. 362.*

Recovery by Spiritual Persons, as Bishop, Dean, Parson, Vicar of their Spiritual Lands shall not bind their Successors. See *Stat. 32 H.8. ca. 28. 13 Eliz. ca. 20. 14 Eliz. ca. 11. 18 Eliz. ca. 10, 20. Co. Lit. 441.*

But if Tenant for Life, and he in Remainder in Tail suffer a Common Recovery, and both vouch the Common Vouchee, this is held to be no good Recovery to bar the Issue in Tail, *1 Co. Marquis of Winchester's Case.* For he in Remainder was not Tenant to the Precipe being not in possession.

But

But if there be Tenant for Life, the Remainder in Tail, the Reversion or Remainder in Fee, and the Tenant for Life is impleaded by Agreement, and he vouch the Tenant in Tail, and he vouch over the Common Vouchee; this will bar the Reversion or Remainder in Fee, although he in the Reversion or Remainder did never assent to the Recovery.

Tenant for Life vouches Tenant in Tail and he vouches over the Common Vouchee. Bar without Assent.

So if the Tenant for Life surrender to him in Remainder in Tail, he may suffer a Recovery, and bar the Estate Tail, *Co. Lit.* 362. See the Form of a Surrender at the end of this Book.

Surrender to Tenant in Tail.

As to Recoveries by Covin take this in general.

That if the Tenant for Life suffer a Common Recovery without the Assent of him in Reversion, this is void by the Statutes 32 H. 8. *ca.* 31. 14 Eliz. *ca.* 8. And will be a Forfeiture of the Estate of Tenant for Life, see 1 Co. *Pelham's Case*.

Recovery by Tenant for Life by Covin. Forfeiture.

And yet if Tenant in Tail in Possession or Remainder suffer a Common Recovery by Agreement in any case (except where the Reversion is in the King) this is good and may not be falsified as done by Covin; so where Tenant for Life is, the Remainder in Tail or Fee, and the Tenant for Life suffer a Common Recovery and vouch over him in the first Remainder in Tail, or him in the next Remainder in Fee, this is not Fraudulent, but a Bar to the Estate Tail, &c. 10 Co. 43, 49.

And yet if the King give Land in recompence of any Service done to him or for other Cause, and the Tenant in Tail, whilst the Reversion is

Recovery fraudulent against the King

in the King, suffer a Common Recovery this shall be said to be fraudulent and void as against the King and his Successors by the Stat. 34 H.8. ca. 20. 10 Co. 48. Plowd. 54.

No Covin
where Te-
nant in Tail is
Party.

And it is to be known, that upon the Stat. 14 Eliz. of feigned Recoveries, that thereby no Reversion or Remainder expectant upon an Estate Tail is preserved where the Tenant for Life is impleaded, and Tenant in Tail vouched; for where the Tenant in Tail is Party to the Recovery it cannot be by Collusion, because it is in the power of him to Dock the Remainder and Reversion, 10 Co. 45. *Et quia jus & fraus nunquam cohabitant.*

Wife suffers a
Recovery of
the Lands
setled to her
in Jointure is
fraudulent.

Also if Land be conveyed by a Husband or any of his Ancestors to the Wife for her Life, or to her and her Husband and their Issue in Tail for the Joynture of the Wife: And after the Husbonds Death the Wife alone, or she and an after Husband shall suffer a Common Recovery of the Land, this shall be esteemed fraudulent and void by the Statute, 11 H. 7. c. 20. But more of this hereafter,

Recoveries by Husband and Wife.

Husband and
Wife join.

Wife an In-
fant.

THat a Common Recovery suffered by a Woman Covert that hath an Husband, who doth joyn with her in the Recovery, is good and will bind them, their Heirs, and all others; but if she be an Infant, and appears as Vouchee by her Attorney, this Recovery will not bind her, 10 Co. 43. Plowd. 515. Bridg. Rep. 69, 70, 71.

If there be Tenant for Life, Remainder to Husband and Wife and their Heirs, and the Husband and Wife suffer a Recovery, being vouched by the Tenant for Life, this shall bind the Wife, *Stiles Rep.* 320.

Remainder to Husband and Wife.

If the Husband and Wife be joint Tenants of any Estate in Fee Simple or Fee Tail of Land before Coverture, and the Husband alone suffer a Recovery of it, this is good for a Moiety.

Husband and Wife joint-tenants before Coverture Recovery by Husband alone.

And if Husband and Wife be joint Tenants after the Coverture, and then they suffer a Recovery together, this will bind them.

Joint Tenants after Coverture Recovery by both.

Also if Husband and Wife be joint Tenants for Life of Land, the Remainder to the Heirs of the Husband, and they suffer a Recovery of it, this is no Bar to the Issue for any part of the Land, *Moor* 350. See after.

Husband and Wife Joint-tenants Remainder to the Husband's Heirs.

Where Lands are given to a Man and his Wife and the Heir of the Body of the Wife, or to the Wife and the Heirs of her Body, and the Writ of Entry is brought against the Husband and Wife, and they vouch the Common Vouchee; these are good Recoveries, and will bar the Estates of the Husband and Wife, and of them in Remainder and Reversion expectant thereupon, *Lit. Bro.* 37, 81.

Lands given to Husband and Wife and the Heirs of the Body of the Wife.

Where a Man hath Land in which his Wife has a Joynture, or to which she will have Title of Dower after his death; if in this Case the Writ of Entry be brought against them both, and they vouch the Common Vouchee, and so a Recovery is had, this Recovery will bar them both; but not if against the Husband alone without her of any such Estate by a Recovery,

Recovery of the Wifes Joynture.

How good.

How void.

Lands given
to Husb. and
Wife and the
Heirs of the
Body of the
Husband Re-
mainder over.
Husband Te-
nant in Tail

Remainder to
the Wife in
Tail, Husband
suffers a Re-
covery.

Land to two
and the Heirs
of one, Re-
mainder over
Recovery by
one good for
a Molesty.

But betwixt
the Husband
and Wife there
are no Mole-
sties, 3 Co. 5, 6.
Recovery suf-
fered by Wife
of her Estate,
In Dower, for
Life, or in Tail
of the Inheri-
tance or Pur-
chase of the
Husband, &c.
Vold.

for she may falsifie and avoid it after his death,
Plowd. 514. 3 Co. 5.

If Land be given to Husband and Wife and
the Heirs of the Body of the Husband, the Re-
mainder over, and the Husband alone suffer a
Common Recovery, this is no Bar to the Re-
mainder, 3 Co. 5.

If the Husband be Tenant in Tail, the Re-
mainder to the Wife in Tail, and he suffer a
Recovery of the Land; by this she is barred.

And yet if Lands be given to two others and
the Heirs of the Body of one of them, the Re-
mainder over to a Stranger, and the Writ of
Entry is brought against one of them, and he
vouch the Common Vouchee, and so a Reco-
very is had; this is a good Recovery, and Bar
to all the Estates for one half of the Lands, 3 Co.
5, 6.

But all this notwithstanding if a Woman that
has an Estate in Dower, for Life or in Tail,
joyntly with her Husband, or only to her self, or
to her use in any Lands, &c. of the Inheritance
or Purchase of her Husband, or given to the
Husband and Wife by the Husbonds Ancestors,
or any seised to the use of the Husband or his
Ancestors, do after the Husbonds death sole
(or with another Husband) suffer a Recovery
of it; it shall be void. And he to whom the
Land ought to belong after the death of the
said Woman may enter as if the Woman
was dead; and yet if in this case she doth
it with the Consent of the next Heir, or shall
join with him, that is a good Recovery; or if
the Writ be brought against her, and she vouch
the

the Heir in Tail, and so the Recovery is had,
Stat. 11 H. 7. 20. 3 Co. 58, 59, 60.

A Common Recovery suffered by one that hath Fee-simple of Land, will bind him that suffers it, his Heirs, and all others. Recovery by one that hath Fee-simple.

If a Mortgagee suffer a Recovery, this will not bind the Mortgagor, but if the Mortgagor be a Party to the Recovery, the Recovery will be good, *2 Cro. 592, 593.* By a Mortgagee.

If one devise Land to another and his Heirs as long as *J. S.* hath Issue of his Body: In this Case no Recovery will seclude or bar him that made the Gift of his possibility to have the Land again, unless he be a Party to the Recovery by Voucher: For a Recovery against a Tenant in Fee-simple shall never bind a Collateral Interest, Title or Possibility; as a Condition, Covenant or the like, *2 Cro. 593.* How to bar him that hath a possibility of a Reverter upon a Demise Conditional. Collateral Interest.

If *A.* be Tenant in Tail, the Remainder to *B.* in Tail, Remainder to *C.* in Tail, Remainder to *D.* in Fee. *A.* makes a Feoffment, and the Feoffee suffers a Recovery, and doth vouch *B.* who voucheth over; By this Recovery *A.* is not barred at all, but *B. C.* and *D.* are barred of all their Remainders, *3 Co. 6.* Three Tenants in Tail, Remainder in Fee. First Tenant makes a Feoffment, Feoffee suffers a Recovery, & vouches the 2d Tenant in Tail

It is said, That if Land be to *E.* for Life, the Remainder to *B.* in Tail, the Remainder to *C.* in Fee: *B.* dieth (his Wife being young with Child of a Son) and a Recovery is had against *E.* with the assent of *C.* and afterwards a Son is born; In this Case the Son shall not be holpen by the Statute *32 H. 8.* For that the Remainder was not *in esse* at the time of the Recovery, *2 Leon. 224. Case 285. Quære de hoc.* By Tenant in possession.

Feoffment to
Father for
Life, Remain-
der to the
eldest Son in
Tail and his
Heirs, and Re-
covery is suf-
fered by the
Father before
the eldest Son
is born, who
after is born
and hath a
Son.

So if a Feoffment be to the use of himself for life, and after of his eldest Son in Tail, and after of his Heirs (not having any Son at the time of the Feoffment made) after he suffers a Common Recovery, and hath Issue a Son, who dieth in the Life of his Father, having Issue a Son, and after he dieth; In this Case the Son, and Heir of the Son may not avoid this Recovery by 32 H. 8. 2 Leon. 224. but may avoid it by Common Law, 2 Leon. 224.

It is a Rule, that where the Estate Tail in Possession is not barred by a Recovery, there the Estate in Reversion or Remainder is not barred. *Quod non in magis propinquo, non in magis remoto valebit*; and so it is *e converso*, where the Estate Tail in Possession is barred by the Recovery, all the Remainders and Recoveries, Conditions, Charges, Incumbrances and Estates dependent upon it are barred also, except in some special Cases where the Reversion or Remainder is in the King. And therefore if A. be Tenant in Tail, the Remainder to B. in Tail, the Remainder to C. in Fee, and B. or C. doth make a Lease for years of the Land, or grant a Rent-Charge out of the Land, or enter into a Statute or the like, or grant the Remainder or Reversion upon Condition, and after A. doth suffer a Common Recovery of the Land and then dieth without Issue, in this case the Recoverer will hold the Land discharged of all these Estates, Remainders and Charges, 1 Co. 62. Jenk. Cent. 6. c. 41. 6 Co. 43. Moor 298.

Two Tenants
in Tail, Re-
mainder in
Fee; the 2d
Tenant in Tail
or he in Fee
makes a Lease
or grants a
Rent-Charge,
the first Te-
nant suffers a
Recovery, the
Lease or Rent
is discharged.
See after.

But

But if a Common Recovery be had against Tenant in Tail where there is a Remainder over to another, and he vouch over the Common Vouchee; in this Case and by this he is barred, and his Issues, if he had any, and he in the Remainder is barred, and so is he in Reversion also, although it has been held otherwise, 1 Co.

Tenant in Tail Remainder over, Tenant in Tail suffers a Recovery, and vouches the Common Vouchee.

63. Bendl. 11.

If he in Remainder grant a Rent, and after the Tenant in Tail suffer a Recovery, and dye without Issue, the Remainder is discharged of the Rent, Moor 298.

Rent discharged, see before.

And if there be a Lease for years, and a Recovery suffered of a Reversion, this will not hurt the Lease for years, but he may fallifie it by Stat. 11 H. 8. 15.

Recovery of a Reversion. Lease for years saved.

But a Recovery suffered by Tenant in Tail after he hath made a Lease of the Land, or entred into a Statute will make the Lease or Charge that before was voidable, good against the Issue in Tail, and him in Remainder or Reversion; and the Recoverer also shall hold it charged, and subject to the Lease made by Tenant in Tail, 1 Co. 25. 44 E. 3. 22.

Tenant in Tail may not avoid his own Lease or Rent granted by him out of the Land, but the Recovery shall

enure to perfect the Grant and Lease.

If he in Reversion upon an Estate Tail, grant a Rent Charge and Tenant in Tail discontinue, this Charge is of no effect until the recontinuance of the Estate Tail, by him in Reversion, though Tenant in Tail die without Issue, Jenk. Cent. 6. c. 41.

Reversioner grants a Rent-Charge and Tenant in Tail discontinues and dies without Issue.

But

Recovery by
Collusion a-
gainst Tenant
in Tail who
dies without
Issue.

But where a Recovery is by Collusion against Tenant in Tail, and the Tenant die without Issue, such a Grantee may falsifie this Recovery as a Stranger; but otherwise it is of Parties and Privies to it.

General Rule,

And in all Cases afore mentioned of a Recovery that is void, it must be understood to be void, as to the Issues Heirs, &c. of him that suffers the Recovery, and as to them that are in Reversion and Remainder of their Estate, and not as to the Parties to the Recovery; for as to them the same doth for the most part conclude them by way of Estoppel, 3 Co. 5.

Estoppel.

*How a Recovery may be avoided,
or falsified.*

Recovery a-
voided.

IT may be defeated, frustrated and avoided in part or in all, for many causes and ways, and this is called falsifying of a Recovery.

By Error.

Sometimes it is by Writ of Error, when there is some gross or substantial Error in the manner of the proceeding.

Not for incon-
gruous Latin,
or want of
Form.

But not for incongruous Latin, Rasure, Interlining, Misentring of any Warrant of Attorney, misreturning or not returning of the Sheriff or other want of Form in words, and not in matter of Substance, 23 Eliz. c. 3. 21 H. 8. c. 15. Co. Lit. 46, 104. Plowd. 515. Dyer 249. 3 Co. 78. 5. Co. 40.

Avoided by
pleading.
That it was
by Covin.

And sometimes it may be avoided by pleading and setting forth of the special matter, as where the Recovery is by Covin against the Tenant for Life.
Or

• Or for that he against whom the Writ is brought is no Tenant to the Freehold, by right or by wrong, at the time of the Writ of Entry brought; as where a Writ is brought against a Stranger that hath nothing in the Land, and he doth vouch the Tenant in Tail in Possession of the Land, That he was not Tenant to the Freehold.

An infant that suffers a Recovery may not avoid it by Entry, but must avoid it by Writ of Error, *Stiles Rep.* 246. By Infant and how.

Or a Recovery may be avoided, for that he that hath the Estate and Right, is neither party nor privy to the Recovery; As where it is brought against a Disseisor, and he vouches one that hath nothing in the Land. Neither Party nor Privy.

Or where the Recovery is had against the Husband alone, of the Land whereunto his Wife hath Title of Dower. Recovery against Husband alone.

Also the Issue in Tail against a Common Recovery had by the Ancestor, may say, That he was not Tenant to the Precipe, nor seized of an Estate Tail *tempore Brevis*, and this is a good Bar, 3 Co. 11. Not Tenant to the Precipe.

As where he in Remainder in Tail discontinues the Estate Tail, and takes a new Estate, and then suffers a Common Recovery; by this the Estate Tail is not barred, for he was not seized of it, as is before observed. Not seized. Note, This is to be intended of a Recovery with single Voucher.

So if Tenant for Life, and he in Remainder in Tail, suffer a Common Recovery, and both vouch over the Common Vouchee, as is before observed. Tenant for Life, and he in Remainder, both vouch Common Vouchee.

So

Three Tenants in Tail, Remainder in Fee. First Tenant discontinues, the Discontinuee makes a Feoffment and vouches. 2d Tenant in Tail. So if *A.* be Tenant in Tail, Remainder to *B.* in Tail, Remainder to *C.* in Tail, Remainder to *D.* in Fee. *A.* makes a Feoffment, the Feoffee doth suffer a Recovery, and vouch *B.* who voucheth over; *A.* is not barred, but *B. C.* and *D.* are barred, and all their Remainders, 1 Co. 3. as is before observed.

Recovery avoided by Tenant by Elegit &c. A Recovery in some Cases may be avoided by others; as Where a Recovery is had of the Land, whereof I have an Estate for years, by Statute, *Elegit*, or the like, at the time of the Recovery had.

General Rule who may avoid the Recovery. And where a Recovery may be avoided for any of the afore-mentioned Causes, it must be by one whom it doth concern, and that otherwise should have had the Land, and not by any other whom it doth not concern.

Issue of Tenant in Tail. As if an Erroneous Recovery be suffered by Tenant in Tail; In this Case his Issues, or if they fail, the next in Remainder or Reversion shall defeat it.

By Tenant in Tail. So also if the Land be recovered against a Stranger, the Tenant in Tail shall avoid it.

By Disseisee. And if the Land be recovered against a Disseisor, the Disseisee shall avoid it;

Tenant by Statute, &c. And the Land recovered against him in Reversion or Remainder; the Tenant by Statute, *Elegit*, or for Years, shall avoid it.

By the Wife. But in these Cases they must avoid it during their particular Estates, and may not do it afterwards.

The Wife may falsify a Recovery suffered by her Husband alone, as to her Title of Dower only, and no longer, or farther.

So he in Reversion or Remainder may falsify By him in
and avoid a Recovery suffered by the Tenant for the Remainder
Life, either in the life-time of the Tenant, or
afterwards, to which he was not privy.

But a Stranger shall never take advantage of No advantage
a Recovery although it be erroneous, *Jenk. Cent.* to be taken by
8. *Case 32.* a Stranger,

But neither he in Reversion or Remainder, or Rule:
any by or under him, or any other, may falsify
a Recovery suffered by Tenant in Tail in posses-
sion, except it be for the Causes before set
down.

The Recoverer himself may not falsify a Re- Not by the
covery, nor a Guardian, or a Tenant of a Man- Recoverer or
nor; as if one hold a Mannor, and a Stranger Tenant of a
recover the Mannor by a feigned Title, a Te- Mannor.
nant of the Mannor may not falsify it.

But a Termor for Years may falsify a feigned Termor for
Recovery had against him in Reversion, and years may
shall retain and enjoy his Term against the Re- avoid.
coverer, his Heirs and Assigns according to his
Lease by the Statute 21 H. 8. 15.

No Statute-Staple, Merchant or Execution No Statute
by Elegit, may be avoided by a feigned Reco- &c. barred by
very, but such Tenants shall have like remedy Recovery.
to falsify such Recovery as the Lessee for Years
may have, 21 H. 8. cap. 15. Co. Inst. 2. 321,
322. 1 Cro. 284.

Sometimes it may be avoided by Entry as Recovery a-
well as by Writ of Error and Pleading. voided by En-
try.

Sometimes it hath been made void by the Sen- By a Vacat.
tence of a Court called a *Vacat*, when the Re-
covery hath been by Covin; as where Tenant for
Life shall suffer a Recovery to disinherit him in
the

the Reversion, or by some undue Practice or sinister Dealing.

And this hath been done only upon the discovery of the Matter of Practice to the Court, upon which only the Court doth make void the Judgment, *Plow.* 515. 1 *Co.* 62, 63, 64. *Dyer* 249.

Termor for
years how he
may avoid, &c.

A Termor for Years, by Deed or without Deed, may falsify a feigned Recovery had against him in Reversion, and shall retain and enjoy his Term against the Recoverer, his Heirs and Assigns according to the Lease; and the Recoverer shall have like remedy against the Termor, his Executros or Assigns, or Action of Debt for Rents and Services reserved upon such Lease, and due after such Recovery, as the Lessor might have had if such Recovery had never been.

Also Tenants by Statute-Staple, Statute-Merchant, or upon Execution by *Elegit*, may also falsify such Recoveries as the Lessee for Years may do, Statute 21 *H. 8. cap.* 15. *Co. Inst.* 2 part 322, 323. See the Statutes.

Errors amendable by the Court.

Note, That most Errors in a Common Recovery are amendable by the Court the first Term after the Recovery is had; but for all this see *Dyer* 1. 105, 188. 6 *Co.* 7. 8 *Co.* 162. 2 *Bulst.* 14. *Goldsb.* 181. *Bridgeman* 71. *Owen* 68.

Where, by whom, and how a Recovery may be falsified. See *Huges Nomotomia*, page 459, 460:

And

And for avoidance of a Common Recovery,
see more in 2 *part C. Inst.* 320, 322, 323. *cap. 2.*
sect. 17, 18.

Note also, That the same Rules (for the Rules for di-
most part) are to be observed and followed for recting the
the guiding and directing of the Uses of a Re- Uses of a Re-
covery, as are observed for the guidance and di-covery.
rection of the Uses of a Fine, *viz.* That an
Use may be averred upon it, &c.

See more of Common Recoveries in *Moors*
Rep. 95, 727. Bro. sect. 143. Hob. Rep. 338.
Godb. Rep. 417.

1877
The following is a list of the
names of the persons who
were present at the
meeting of the
Board of Directors
of the
Company held on
the 1st day of
January 1877.

THE

THE
T A B L E
 TO THE
 Treatise of F I N E S.

A.

Before what persons Fines may be acknowledged
 Page 29
Advowson of the Vicaridge of a Church

22

An Affidavit or Certificate (taken by any of the Justices of the Common Pleas) upon the due Execution of a Dedimus Potestatem by Commissioners in the Country

36

Avoidance of a Fine by Error

196

By Fraud, Deceit and Covin

197

Atturment, where necessary

201

B.

Bar by way of Estopple

181

Bar by Discontinuance.

183

Bb

C

The Table.

C.

<i>Claim, see when and how to prevent the Bar of a Fine</i>	171, 172, &c. 191
<i>Who may be Cognisors in a Fine</i>	10
<i>Estate of Cognisors</i>	12
<i>How Cognisors are to be named in Fines</i>	14
<i>Cognisees, whom, and how named</i>	13, 14
<i>Judges to whom Cognisances are to be certified, and before whom recorded</i>	29
<i>How and by what names parcels and things must be placed in Writs of Covenant</i>	16 to 24
<i>Concords See Notes, Fines, Precipes.</i>	
<i>What a Concord is</i>	8, 24, 25, 26, &c.
<i>How the Particulars are to be named in the Concord</i>	24, 25, &c.
<i>Divers Forms of Concords</i>	47, &c.
<i>Caption before the Lord Chief Justice</i>	32
<i>Certificate see Affidavit.</i>	
<i>Copyholder</i>	174, 175
<i>Courts and Counties for suing out Fines, &c.</i>	46
<i>Corporations, how they may levy</i>	11
<i>How they are barred</i>	170
<i>Single Caption before Commissioners by Dedimus Potestatem.</i>	36, 131
<i>Double Caption before Commissioners</i>	61, 82, 149
<i>Treble Caption before Commissioners by Dedimus</i>	153
<i>Four Captions before Commissioners</i>	156

D.

<i>Of a Dedimus Potestatem</i>	30, 35, 36, &c.
<i>Decd to lead the Use of a Fine</i>	163, 192
<i>Disseisor</i>	

The Table.

Disseisor and Disseisee, of a Fine by them 185,
186, &c.

E.

Of the Effect and Operation of Fines 164,
165, &c.
Estrangers to Fines, how barred and who 168
Extinguishment by Fine 184
Execution of Fines and how 200
See Fines.

F.

*The Definition, Description and Excellency of a
Fine* 1, 2
The several kinds and divisions of Fines 2, 3
Of the parts of a Fine 8, 9, 10
What Fines are executed, and what executory 3, 4,
5, 6, 7
What Fines are single, and what double 2, 4, 5
Of the Writs whereupon Fines are levied 2, 162
Of what things a Fine may be levied 16
*By what names the parcels may pass in a Fine, and
how to be placed* 16, 17, 18, &c.
Fines, before what persons to be levied 29
Fine how to be sued out before the Chief Justice
31, 32
Fine, how to be acknowledged at Bar 33
Fine, how to be levied before Commissioners 35
Fine sur concessit what 3
The Form thereof 44
Fine sur cognizance de droit tantum what 4
The Form thereof 42

The Table.

<i>Fine sur done grant & render what</i>	4
<i>The Form thereof</i>	38
<i>Fine sur cognisance de droit tantum come ceo que il ad de sone done, what</i>	5
<i>The Form thereof</i>	37
<i>A Fine by one to one of a Messuage and Lands</i>	47
<i>By one to two of a Messuage, Lands and Common</i>	48
<i>By two to two of a Mannor, Lands, Rent and Com- mon : With a joint Warranty against the Cog- nisors, and the Heirs of one of them, to the Cog- nisees, and the Heirs of one of them</i>	49
<i>By two with several Warranties</i>	50
<i>By Husband and Wife</i>	ibid.
<i>By Husband and Wife, of the Wives Lands</i>	51
<i>A Lease for years by Fine to bar the Issue in Tail</i>	51, 52, 53
<i>The like of Rent with Nomine Poenæ</i>	54
<i>A Fine from one and his Wife to one, of a Mannor, Messuages, Dove-house, Gardens, Orchards, Land, Meadow, Pasture, Wood, Furze and Heath, Common of Pasture, Turbarie, Free- Foldage and View of Frank-Pledge</i>	55
<i>From one and his Wife to two, of Messuages, Cot- tages, Tofts, a Dove-house, Gardens, Orchards, Land, Meadow, Pasture, Wood, Furze and Heath, Rent, Court-Leet and View of Frank- Pledge. And of the Moiety of a Mannor ; With Warranty against the Heirs of the Man</i>	56
<i>From one to two, of Land, Meadow and Pasture, with general Warranty</i>	57
<i>Of a Mannor, Tenements, Common of Pasture for all manner of Cattle ; and of the Advowson of the</i>	

The Table.

- the Church of S. With Warranty against all Men* 63
- Of a Mannor, Scite of a Mannor, Tenements, Court-Leet, Court-Baron. View of Frank-Pledg, Rectory, and of all manner of Tythes, Oblations, Obventions, Pensions and Portions belonging to the said Rectory, and of the Advowson of the Vicaridge of the Church of T. With Warranty by the first Cognisor against all Men: By the second against him and his Heirs; and by the two last, being Husband and Wife, against them and the Heirs of the Wife* 64
- Fine where one Cognizor warrants one part, another warrants another part, and a third another part* 68
- Fine levied by Tenants for Life of their Terms sur concessit* 69
- Fine of a Mannor in Possession and other Lands in Reversion* 70
- From a Baron (and his Lady) to a Duke, of a Mannor, Tenements, Rent, Common of Pasture, Free Warren, View of Frank-Pledge, Free Fishing and an Advowson; With Warranty against the Heirs of the Baron* 71
- Of a Moiety of two Messuages, a Dove-house two Gardens, two Orchards. And of divers Quantities of Land, Meadow, Pasture, Wood, Furze and Heath: And of the Moiety of a Mannor* 72
- Of a Messuage in London, from two (viz. a Man and his Wife) to one: With Warranty against the Heirs of the Husband, and against all other claiming by him, his Father, and Grandfather, or any of them* 73

The Table.

- Of certain Messuages and Fresh Marsh, a Rectory and all manner of Tythes, Oblations, Obventions Portions and Emoluments thereunto belonging. And of the Advowson of a Vicaridge* 74
- Of a Messuage, two Gardens, an Orchard, certain Land, Meadow, Pasture and Wood. The first Vesture of 31 Acres of Meadow, and of Common of Pasture for 16 Cattle and 700 Sheep* 75
- From two Cognisors to one Cognisee, of certain Tenements, and Common of Pasture for Cattle sans number. With Warranty against the first Cognisor, and his Heirs, and against the Heirs of his Father, Grandfather, Great Uncle, and Great Grandfather, and against all others, claiming by them or any of them* 76
- From four Cognisors to one Cognisee, of divers Mannors, the Scites of two dissolved Monasteries, of divers Messuages, Cottages, Tofts, a Wind-Mill for Grain; certain Gardens, Orchards, Land, Meadow, Pasture, Wood, Furze and Heath, Marsh, Common of Pasture for all manner of Cattle, Free Fishing, Courts-Lect, Courts-Baron and View of Frank-Pledge* 77
- Of divers Mannors, Messuages, Cottages, Gardens, Orchards, Land, Meadow, Pasture, Wood, Furze and Heath: As also of a Chappel, and the Advowson of two Churches* 79
- From three Cognisors (whereof the three first are Earls) to one Cognisee. With Warranty by the first Cognisor against him and his Heirs, and against the Heirs of his Father, Mother and Grandmother, and of another Person deceased; and against the two other Cognisors, and their Heirs, and against all other claiming by them,*
or

The Table.

or any of them

80

A Fine levied upon three Writs of Covenant, viz.

- (1) *Of divers Honors, Castles, Mannors, Parks, several Messuages, Cottages, Mills, Dove-houses, certain Land, Meadow, Pasture, Wood, Furze and Heath, Marish ground, of Rent, of Common of Pasture, View of Frank-Pledge, and whatsoever belongs thereto, Knights Fees, Wards, Marriages, Escheats, Waifs, Estrays, Goods and Chattels of Felons, Fugitives and Out-laws, Persons attainted, Felons de se, Deodands, Treasure-trove, Fairs, Markets, Wrecks of the Sea, free Warren, free Fishing in the Waters of D. H. and T. of the Advowson of the Church of B. P. As also of the Moiety of the Mannor of H. and of the Knights Fees, Wards, Marriages, Escheats, Waifs, Estrays, Goods and Chattels of Felons, Fugitives and Outlaws, and Persons attainted, Fairs, Markets, Wreck of the Sea, and free Warren in H. and of the fourth part of the Hundred of H. as also of the eighth part of a Barn in D. in the County of Devon.*

83, 84

- (2) *Of a Mannor, several Messuages, Cottages, Corn-Mills, a Dove-house, several Garden, Orchards, great quantities of Land, Meadow, Pasture, Wood, Furze and Heath, and 60 s. Rent in M. &c. in the County of Wiltes &c.*

84

- (3) *Of Land, Meadow, Pasture, Furze and Heath in M. &c. in the County of Somerset.*

84, 85,
86, 87, 88

Of a Mannor, Grange divers Messuages, Cottages, several quantities of Land, Meadow Pasture and Furze, and Heath from five Cognisors (the four being two Husbands and their Wives) with

The Table.

Warranty by the first Cognisor against him and his Heirs, and against the other four Cognisors and their Heirs, and against the Heirs of the Father of the two first Cognisors, and all Persons claiming by them, or any of them. 2. Warranty against the second and third Cognisors and the Heirs of the Husband, and all the other Persons named in the first Warranty. 3. Warranty against the two last Cognisors, and the Heirs of the Husband only 88, 89, &c.

A Fine with seven Warranties 91

A Fine upon two Writs of Covenant, from a Duke and his Lady, and another person, to a Marquess, of Castles, Parks and Tenements 95

From the same Cognisors to other Cognisees of a Mannor, Tenements, Rent, Mines, Courts Leet, View of Frank-Pledge, Estraies, Goods and Chattels of Felons and Fugitives, Felons de se, and outlawed Persons, Deodands, Knights Fees, Wards, Marriages, Reliefs, Escheats, Fines, Amerciaments, Fines, Markets, Toll, Rights, Jurisdictions, Liberties and Priviledges in eight Towns in the County of D. 96

Of several Mannors, Mesuages, Cottages, Dove-houses, Gardens, great quantities of Land, Meadow, Pasture, Furze and Heath: Of Rent, Common of Pasture for all manner of Cattle, Free Fishing, View of Frank Pledge, and whatsoever belongs thereunto; Mines, Quarries, Knights, Fees, Wards, Marriages, Reliefs, Herriots, Issues, Fines, Amerciaments and Forfeitures, Goods and Chattels of Persons Outlaw'd, and sued to the Exigent, Waifs, Estrays, Goods and Chattels of Traytors, Felons de se, Fugitives, Persons condemned

The Table.

- demned, convicted and attainted, Deadlands,
 Natives, Natives and Villains, Fairs, Markets,
 Toll, Stallage, Picage, Pontage, Treasure found,
 and to be found: And of all Rights, Regalities,
 Jurisdictions, Franchises, Liberties, Profits, Com-
 modities, Priviledges and Emoluments whatso-
 ever, &c. 98, 99, &c.
- Of a Mannor, Mesuages, a Cottage, Gardens, Or-
 chards, Land, Meadow, Pasture, Pasture for 20
 Cattle, and Common of Pasture 101
- A Fine from Husband and Wife to a Viscount of five
 Acres of Land (only) with two several Warran-
 ties. 1. By the Husband against him and his
 Heirs. 2. By the Husband and Wife against
 the Heirs of the Wife 102
- Of a Preceptory or Commandry of divers Mannors,
 Hundreds, several Mesuages, Mills, Gardens,
 great quantities of Land, Meadow, Pasture and
 Wood, Free Fishing, Liberty of Foldage, Tythes,
 Advowsons of Churches, and the Advowson of
 a Vicaridge 106
- A Fine levied in the County Palatine of Lancaster 131
- A Fine of three Mesuages (acknowledged by the
 word Mesuagia in the Concord) 132
- A Fine upon two Writs of Covenant of eleven Cot-
 tages in London, and one Mesuage in the Countrey
 of Middlesex, (acknowledged by the word Tene-
 menta in the Concord) 133
- Of thirty three Acres of Fresh-Marsh (by the word
 Tenementa in the Concord) 144
- Upon two Writs of Covenant. (1) Of a Mannor,
 Park, Mesuages, Cottages, a Wind-mill for Corn,
 Dove-houses, Gardens, Orchards, Land, Meadow,
 Pasture

The Table.

Pasture, Furze and Heath, Rent, Common of Pasture, Liberty of Foldage, Free Warren, View of Frank Pledge, and whatever belongs to View of Frank Pledge, Goods and Chattels of Felons and Fugitives, Persons outlawed and attainted, Felons de se, and of Deodands in the County of Cambridge 138

(2) *Of a Mannor, Park, Mesuages, a Water-mill, a Dove-house, Gardens, Orchards, Land, Meadow, Pasture, Wood, Furze and Heath, Liberty of Foldage, and the Rent in the County of Suffolk* 138, 139, 140

A Fine levied of 100 l. annual Rent issuing out of several Mannors, Mesuages, Cottages, Barns, a Dove-house, Gardens, Orchards, Land, Meadow, Pasture, Wood, Furze and Heath, 40 s. Rent, and Free Fishing 140

A Fine of an Honor, Mannor, Mesuages, Cottages, Dove-houses, Gardens, Orchards, Land, Meadow, Pasture, Wood, and the Advowson of a Church 142

A Fine from eight Cognizors to two Cognizees of a Mannor, Mesuages, Cottages, Barns, a Dove-house, Gardens, Orchards, Land, Meadow, Pasture, Furze and Heath, Rent, Free Fishing, and the Advowson of a Church, with special Warranty by the first Cognizor and his Wife, against them and the Heirs of the Husband, and against the Heirs of his Brother and Father, and against all others claiming against them the said Husband and Wife, Brother and Father, or either of them (the other Cognisors warranting generally against them and their Heirs.) 150

The Table.

A Fine of divers Mannors, Mesuages, Gardens, Land, Meadow, Pasture, Wood, Furze and Heath, Courts Leet, Courts Baron, View of Frank Pledge, Rectories, Tithes, Oblations, Obventions, Pensions, Portions, and the Advowson of several Churches; With five Warranties and four Captions 154

A Fine upon two Writs of Covenant. 117, 118

Of a great number of Mannors, several Hundreds, many Mesuages, divers Mills, Dove-houses, Gardens, great quantities of Land, Meadow, Pasture, Wood, Furze and Heath, Moor, Marsh, Alder, Land covered with Water; Of Rent, Free Fishing, Liberty of Foldage, Courts Leet, View of Frank Pledge; Of a Rectory and the Advowsons of several Churches in Suffolk And 158

Of several Mannors, Mesuages, Mills, Dove-houses, Gardens, Land, Meadow, Pasture, Wood, Furze and Heath, Moor, Marsh, Alder, Rent, Free Fishing, Liberty of Foldage, View of Frank Pledge, a Rectory, and the Advowsons of a Church, and the Vicaridge of a Church in Norfolk ibid.

A Lease for years by Fine sur Concessit 51

The like from one and his Wife, to one of a Mannor, Land, Meadow and Pasture, upon a Grant for 99 years without impeachment of Waste, rendring a Pepper Corn; With Warranty against the Heirs of the Man 58

From one and his Wife to two, of the moiety of a moiety of twenty Acres of Meadow, and ten Acres of Pasture 59

From

The Table.

<i>From Husband and Wife Cognizors, to one Cogniz- zee, of the yearly Rent of six pounds and a mark, issuing out of several Mesuages in London, be- ing a Fine sur Concessit for ninety nine years (if the Wife shall so long live)</i>	82
<i>A Fine sur Concessit for the term of 500 years (without impeachment of Waste,) of the third part of a Mannor, Mesuages, Gardens, Orchards, Lands, Meadow, Pasture and Wood</i>	111
<i>A Fine sur Concessit, of the moiety of a Mannor, Mesuages, Gardens, a Mill, Land, Meadow, Pasture, Wood, Furze and Heath, and of Com- mon, of Pasture and Fishing</i>	121
<i>A Fine sur Concessit, from two Cognizors to one Cognizee, of divers Mannors, Tenements, and of Common of Pasture, and a Rectory; to hold to the Cognizee for 60 years (if the Cognizors or either of them so long live) without impeach- ment of Waste, rendring the yearly Rent of a Pepper-corn, if demanded</i>	136
<i>A Fine sur Concessit for ninety nine years (if the Wife of the first Cognizor so long live) of a Mannor, Burrough, Mesuages, Tofts, Mills, Gar- dens, Land, Meadow, Pasture, Wood, Furze and Heath, Rent, Common of Pasture for all Cattle, a Rectory, and the Advowson of a Church.</i>	144
<i>Forfeiture of Estates</i>	177, 178, 179, &c.

H.

<i>Husband and Wife concerning their Fines</i>	175, 176, &c.
--	------------------

I.

The Table.

I.

Jointure how to be made by Fine	14
Now barred	176

L.

Land how demanded	23
Leases for Years by Fines. See Fines	41
Lessor and Lessee concerning their Fines	174

M.

Mannor, concerning it	16, 20, 21, 23
-----------------------	----------------

N.

Notes upon a Fine Come ceo, Release and Render	4, 5, 14, 38, 43, 45
Notes to be observed concerning the place where the Lands (that are to be named in a Fine) do lie	21
Note upon the ingrossing a Fine of a Reversion	201
Notes concerning the Writs whereof Fines are levied	162
Notes upon the Lands bought of several Purchasors and in several Counties	28
Notes concerning Concords	24, 25
Notes concerning a Lease for years by Fine	41
Note upon the word Heirs	47, 48
Notes concerning Warranties	27, 55
Note upon words for dividing many things in one Fine	91
Note upon intire things, and things excepted	19, 23

P.

Parties of a Fine	8
Parties to Fines, whom	2
Parties to Fines, how barred	165
Privies to Fines, how barred	166, 167, &c.
Parsonage how to be named	21
	Pleas

The Table.

<i>Pleas to a Fine</i>	199
<i>A Precipe of Stables (amongst other things)</i>	62
<i>— Of Rent issuing out of a Rectory</i>	ibid.
<i>Of Rent issuing out of divers Mannors</i>	63
<i>Of Mannors, Mesuages, Cottages, Water-mill for Grain, Dove-houses, Gardens, Orchards, Land, Meadow, Pasture, Wood, Furze and Heath, Moor, Land covered with Water, Rent and Common of Pasture</i>	66
<i>Of Mannors, Mesuages, Tofts, a Wind-mill, Dove-houses, Gardens, Land, Meadow, Pasture, Wood, Furze and Heath, and of a Rectory and an Advowson</i>	67
<i>Of several Rents</i>	94
<i>Of two Acres of Pasture</i>	ibid.
<i>Of divers Mannors, an Hundred, &c.</i>	108
<i>Of divers Mannors, the Scites of two dissolved Monasteries; The Scite of a dissolved Priory; Of several Mesuages, Tofts, Mills, Dove-houses and Gardens; great quantities of Land, Meadow, Pasture, Wood, Furze and Heath, and Marsh Ground; Of Rent, Common of Pasture, Free Warren, Free Fishing, Mines, Quarries, Courts Leet, Courts Baron, View of Frank Pledge, Estrays, Goods and Chattels of Felons and Fugitives, Felons de se, and of Persons sued to the Exigent, Deodands, Knights Fees, Wards, Marriages, Reliefs, Escheats, Issues, Fines, Amerciaments, Natives and Villains, Fairs, Markets, Toll, Knights Fees, Royalties, Jurisdictions, Franchises, Liberties, Profits, Commodities, Priviledges and Emoluments; of two Rectories, all manner of Tythes, &c. and the Advowson of a Rectory</i>	104 Of

The Table.

Of a Mesuage, Dove-house, Gardens, Land, Meadow, Pasture and Wood; of two parts of a Mannor, and of 150 Acres of Land, 40 Acres, of Meadow, and 200 Acres of Pasture, Common of Pasture for all manner of Cattle, two parts of a Rectory, and the Tithes of Corn, Hay, Wool and Lamb, and all other Tithes whatsoever

109

Where the Sheriff of the County is Cognizee, and therefore the Writ of Covenant is directed to the Coroners.

110

From a Duke and his Lady, and a third Person, to a Duke and another Cognizee, of an Honour, several Mannors and Parks; divers Mesuages, Tofts, Water-mills, Dove-houses, Gardens, great quantities of Land, Meadow, Pasture, Wood, Furze and Heath, Rent, free Warren, View of Frank Pledge, and whatsoever doth thereunto belong; Waifs, Estrays, Deodands, Goods and Chattels of Felons and Fugitives, Felons de se, Persons outlawed; Return of all Writs whatsoever; and of all and all manner of Liberties and Franchises

111

Precipes of Moieties, Parts, &c. amongst intire Parcels.

Of the Moiety of a Mannor (amongst other things)

114

Of the Moiety of a Mannor, 20 Acres of Meadow, and 20 Acres of Pasture, and of a Rectory, and all manner of Tithes (amongst other things.)

115

Of

The Table.

Of four moieties, the first being of a Mannor, certain Mesuages, Tofts, Mills, Dove-houses, Gardens, divers quantities of Land, Meadow, Pasture, Furze and Heath, fresh Marsh, salt Marsh, a Wharff, two Passages or Ferries over the River of Thames, and of 100s. Rent. The second of a Prebend and Rectory. The third of the moiety of the Tithes of Corn, Grain and Hay. The fourth of the moiety of the Advowson of the Vicaridge of the Church of W. T. 115, 116

Of the moiety of several Mesuages, a Dove-house, Gardens, Orchards, certain quantities of Land, Meadow, Pasture, Wood, Furze and Heath; and of the moiety of a moiety of a Mannor, (inter alia) 117

Upon two Writs of Covenant. 158

Of divers Mesuages, a Barn, Gardens, an Orchard and three Acres of Pasture; and of the third part of several Mesuages, Gardens and Acres of Pasture in the County of Middlesex, and 117

Of the third part of several Mannors, Messuages, Barns, Tofts, a Dove-house, Gardens, Orchards, Acres of Land, Meadow, Pasture, Wood, Furze and Heath, More; of Rent and Common of Pasture for all Cattle in the County of Warwick 117, 118

Of the fourth part of a fifth part of a Messuage in London 119

Of a Mannor, Messuages, Gardens, Orchards, Land, Meadow, Pasture, Furze, Heath and Alder; Of the third part of a Mannor, Messuages, Gardens, Orchards, Land, Meadow, Pasture, Furze and

The Table.

- and Heath, and of the moiety of the Scite of a Mannor, Mesuage, Garden, Orchard, Land, Meadow, Pasture and Wood* 119, 120
- Of certain Mesuages, Gardens, Orchards, Land, Meadow, Pasture and Wood; of the moiety of a Mannor, 300 Acres of Furze and Heath, and 6 l. 13 s. 4 d. Rent; and of Common of Pasture for all Cattle* 122
- Of the third part of several Mesuages, certain Land, Meadow, Pasture and Wood* 123
- Of the moiety of a Mannor, and the moiety of an Advowson of a Church (inter alia)* 124
- Of certain Mesuages, Cottages, a Dove-house, Gardens, Orchards, Land, Meadow, Pasture, Wood, fresh Marsh, a salt Marsh, a Wharf and two Passages over the Thames; of the moiety of a Mannor, 100 s. Rent, and of an Advowson* 125
- (1) *Of the moiety of a Mannor, the moiety of an Hundred, and of several Mesuages, Cottages, certain Land, Meadow, Pasture, Wood, Furze and Heath, Moor, Marsh and 100 s. Rent; of the moiety of Common of Pasture for all manner of Cattle; and of the View of Frank Pledge, Goods and Chattels of Felons and Fugitives, Felons de se, Deodands, Waifs, Liberties and Priviledges in the County of Wiltes* 126
- (2) *Of the moiety of certain Mesuages, Gardens, Land, Meadow and Pasture in the County of Somerset* 126, 127
- Of divers Mesuages, Gardens, Orchards, Acres of Land, Wood and Marsh Ground; of the moiety of several Mesuages, Gardens, Orchards, Acres of fresh and salt Marsh; of the third part of certain*
- C c Acres

The Table.

Acres of Marsh Ground in B. &c. of the Rectory of B. And of all and all manner of Tythes, Oblations, Obventions and Portions yearly coming, growing or renewing in B. &c. as also of the Advowson of the Vicaridge of the Church of B.

127, 128

Of several Mannors, Mesuages, Tofts, a Windmill, Gardens, Acres of Land, Meadow, Pasture, Wood, Furze and Heath, fresh Marsh, salt Marsh, Rent, Common of Pasture, free Fishing, liberty of Foldage, free Warren, and View of Frank Pledge; of the moiety of divers Mannors, Mesuages, Land, Meadow, Pasture, Wood, Furze and Heath, salt Marsh and a Fold-course, with the Advowson of several Churches and a Chappel

129

Of Lands in the Isle of Ely

130

Of a Mannor, Park, and Scite of the late Monastery of Ramsey, with several Mesuages, Cottages, Tofts, Dove-houses, Gardens, Orchards, Acres of Land, Meadow, Pasture, Wood, Furze and Heath, Moor, Marsh and Turbary, and of a Rectory

135

Of a Mannor, Mesuages, Mills, a Dove-house, Gardens, Land, Meadow, Pasture, Wood, Furze and Heath, Rent, free Warren, View of Frank Pledge, a Rectory, and the Advowson of a Church

146

Presentation, Fine of it

21

Purchases, several in one Fine

28

Proclamation concerning them

6, 7, 10, 33

R.

Rectory how demanded

22

Right how to be limited

25

Release

The Table.

<i>Release</i>	26, 27
<i>Render in a Fine concerning it</i>	4, 38, 39
<i>Remitter by Fine, and how</i>	184, 190
<i>Remainder and Reversion in the Crown</i>	190

S.

<i>Scite of a Mannor</i>	167
<i>Spiritual Persons how they may levy</i>	12, 13, 15
<i>How they are barred</i>	171

T.

<i>Turbary how demanded</i>	23
<i>Tenant for Life, &c. Fine by him</i>	
<i>Tenant in Tail, and Issue in Tail, Rules concerning them</i>	186, 187

V.

<i>Use of a Fine concerning it, and how to be declared</i>	191, 192
--	----------

W.

<i>Warranty, concerning it</i>	26, 27
<i>Warrant of Attorney</i>	33
<i>Writs of Covenant, several of them, and when</i>	28, 33
<i>Wife, concerning Fines by her</i>	15, 26
<i>Wife, when to be examined</i>	34, 35, 36, 177
<i>How barred by Act of her Husband</i>	178

THE TABLE OF RECOVERIES.

A.

<i>A</i> ccording to the Writ of Seisin to the Coroners, because one of the Tenants in the Recovery is Sheriff of the County where the Lands lie	318,
	319
The like where one of the Vouchees is Sheriff of the County	319
Advowson, Recovery thereof upon a Writ of Right	331
How to demand it	346
Adjournments, See Entry	
Affidavit or Certificate by Commissioners of Execu- tion of the Dedimus	246

C.

Certifying a Warrant of Attorney by the Executor of one of the Justices of the Court of Common Pleas by Writ of Certiorari	341
	The

The Table.

The like by the Executrix of a Serjeant at Law

342

Charge of Recovery

313

D.

*Deeds to make a Tenant to a Precipe, see Lease,
[see Surrender]*

Directions how to sue out Recoveries 219, &c.

Dedimus Potestatem concerning it 244

Demands, various forms thereof 324, 325, 326,
327, 328, 329, 330, 346, 347.

E.

*Entry of Recoveries suffered at Bar with single,
double, treble or quadruple Vouchers* 225, 227,
230, 233

Exemplification thereof 238, 239, &c.

*Entry of a Recovery with single Voucher, when the
Tenant appeareth by Warrant taken before a
Judge* 253, 254, 255, 256

*Of Demand and Count against the Tenant, and the
Tenants Voucher over, and Award of the Sum-
mons against the Vouchee in a Recovery when
both the Tenant and Vouchee come by Warrant
of Attorney taken before a Judge* 258, 259,
260

*Of a Recovery when the Warrants both for Tenant
and Vouchee are taken by Dedimus* 261, 262,
263, 264, 265, 266, 267, 268, 269

*Of a Recovery when the Tenant appears in Person,
or on a Warrant before a Judge, and the Vouchee
upon a Summons by Warrant taken by Dedimus*
269, 270, 271

Cc 3

Ex-

The Table.

<i>Exemplification thereof</i>	271
<i>Of Demand and Count, and Voucher, and Award of Summons, and Entry thereof in a double Voucher, when the Tenant comes in Person, and the Vouchee by Warrant taken before a Judge</i>	272, 273, 274, 275
<i>Of a Recovery in a treble Voucher, when the Tenant and both Vouchees appear by Warrants taken before a Judge, with Writs of Summons against the first and second Vouchee</i>	276, 277, 278, 279, 280, 281
<i>Of another Recovery and Proceedings with treble Voucher, upon Warranty taken before a Judge, with Summons against the Vouchee, upon three Rolls in three several Terms</i>	281, 282, 283, 284, 285, 286, 287, 288
<i>Of a Recovery by alias prout patet, with double Voucher, where the Tenant appears in Person, and the Vouchee by Attorney upon Warrant before a Judge</i>	288, 289, 290, 291
<i>Of a Recovery by alias prout patet the same Term with double Voucher by Summons</i>	291, 292, 293, 294
<i>Exemplification of Recovery suffered at Bar</i>	238
<i>Exemplification of a Recovery with double Voucher, with great variety of Parcels</i>	294, 295, 296, 297, 298
<i>Of a Recovery with double Voucher, where the Vouchees appear upon Summons</i>	299, 300, 301, 302
<i>Of a Recovery with double Voucher of some entire Parcels, and of a moiety of other Parcels passed at Bar</i>	302, 303, 304

The Table.

<i>Of a Recovery where the Tenant appears by Attorney and vouches several persons, for several Lands in several Towns, who appears by Summons</i>	305, 306, 307, 308
<i>The like without Summons</i>	from 334 to 341
<i>Of a Recovery with Adjournments</i>	315, 316
<i>Exemplification of Seisin and Summons</i>	240

F.

<i>Form of a Recovery to be entred with single Voucher</i>	225
<i>When suffered at Bar in Court.</i>	
<i>With double Voucher</i>	227
<i>With treble Voucher</i>	230
<i>With quadruple Voucher</i>	233

I.

<i>Inrolment and Exemplification of the Writs of Entry and Seisin, &c. according to the Statute of 23 Eliz. cap. 3.</i>	322
<i>Aliter</i>	323
<i>Introduction to Recoveries</i>	203, 204

L.

<i>Lease and Release to make a Tenant to a Precipe in a Recovery, concerning it</i>	208, 348, &c.
---	---------------

M.

<i>Mittimus, concerning it</i>	309, 318
<i>Mittimus and Dedimus, entred when the Tenant cometh</i>	

The Table.

<i>cometh by Attorney in Recovery with single Vou- cher</i>	256, 257, &c.
<i>Mittimus and Dedimus entred in a double Voucher, when the Tenants appear by Attorney, and the Vouchees upon Summons, by Warrants before Commissioners</i>	261 to 269

N.

<i>Note concerning the Writ of Entry, how it must be brought</i>	208
<i>Of the Writ of Entry on the Remembrance</i>	220,
	247, 254, 257, 272, 276
<i>Concerning a Surrender to him in Reversion</i>	208
<i>Concerning a Reversion in the King</i>	209
<i>Upon the Word Gardianum</i>	216
<i>Upon the Common Vouchee</i>	220
<i>Upon the time of suffering a Recovery at Bar</i>	221
<i>Of entering the Return and Teste of the Writ of Entry upon the Remembrance</i>	ibid.
<i>Upon Examination of a Feme Covert</i>	222, 246
<i>Upon the Writ of Seisin, Teste and Return</i>	227,
	239, 256
<i>Upon the Teste of an Exemplification</i>	238, 239
<i>Upon the signing the Writ of Entry and Seisin and filing thereof</i>	240
<i>Upon the exemplifying thereof</i>	ibid.
<i>There must be two Attornies named in one Warrant</i>	241
<i>Upon a Transcript of a Warrant</i>	242
<i>Of making due Entries of all Proceedings</i>	243
<i>Upon filing Warrants</i>	244, 247
<i>Upon a Recovery to be perfected in one Term</i>	244
<i>Upon a Vouchees signing a Warrant of Attorney</i>	245
<i>Upon</i>	

The Table.

<i>Upon opening the Mittimus, and filing it to the Writ of Entry</i>	247
<i>Of passing the Recovery at the Bar before a Transcript from the Cursitor</i>	248
<i>Upon the Returns between one Writ and another</i>	250, 272
<i>Upon a Dedimus, to take a Warrant of Attorney</i>	257
<i>Upon taking Warrants for the Tenant and for the Vouchees</i>	288
<i>Upon things demandable in a Precipe</i>	343
<i>Upon a Discontinuance by Tenant in Tail, to have a single or double Voucher</i>	344
<i>How to find out a Recovery formerly past</i>	347
<i>Upon Amendment of Error in a Recovery</i>	366
<i>Upon directing the Uses of a Recovery</i>	367

O.

<i>Observations in Common Recoveries</i>	207
<i>Observanda upon a Recovery with a single or double Voucher</i>	211, 212
<i>Observanda upon a Dedimus to take a Warrant upon a Recovery with single Voucher</i>	246, 247
<i>Observanda upon Tenants putting in a Warrant to appear at Return of the Summons</i>	272, 277, 282
<i>Original, See Writ of Entry.</i>	

P.

<i>Precipe, how to be drawn</i>	212
<i>Precipe quod reddat, of what things it lieth</i>	213
<i>Of what it lieth not</i>	214
<i>Precipe, how to be entred on the Remembrance</i>	220,
	221

Particulars

The Table.

<i>Particulars, how to be placed in a Writ of Entry</i>	216
<i>Pleading of a Recovery by the Serjeants at Bar</i>	221
<i>Proceedings in a Recovery with single Voucher when the Tenant cometh not in person, but by Warrant of Attorney taken before a Judge</i>	253
<i>When the Tenant cometh not in person, but by Attorney, when the Recovery is with single Voucher taken by Dedimus</i>	256
<i>When neither Tenant nor Vouchee cometh in person but by Warrant of Attorney in a double Voucher by Warrants taken before a Judge</i>	258
<i>In a double Voucher when the Warrants are taken by Dedimus</i>	261, 262, 263, &c.
<i>When the Tenant appears in person or by Warrant taken before a Judge, and the Vouchee upon a Summons by Warrant taken by Dedimus</i>	269, 270
<i>Upon a Recovery with double Voucher, when the Tenant cometh in person and prayeth Summons against the Vouchee who appears by Warrant of Attorney taken before a Judge</i>	272
<i>In a treble Voucher, when neither the Tenant or either of the Vouchees come in person, but by Warrants taken before a Judge</i>	276, 277, &c.
<i>When the Tenant appears in person at the acknowledgement at bar, but not at the Return of the Summons; and the Vouchees upon Summons by Warrants taken before a Judge</i>	281, 282, &c.

R.

<i>Rule for placing particulars</i>	216
<i>Rule</i>	Rule

The Table.

<i>Rule for payment of money in the Alienation Office</i>	218
<i>Recovery, the Definition thereof</i>	203
<i>When first invented.</i>	204
<i>The End and Effect thereof</i>	205
<i>The Form and Device thereof</i>	205, 206
<i>The Operation thereof</i>	352
<i>Recovery how to be suffered in Court</i>	219, 220, 221, &c.
<i>Recoveries by Husband and Wife</i>	356
<i>Recovery, how to be sued out by Dedimus</i>	244, &c.
<i>Returns of the Term</i>	251
<i>Return of the Writ of Dedimus Potestatem</i>	246
<i>Recovery, how a Bar in several Cases</i>	352 to 362
<i>Recovery, how to be avoided</i>	362, 363, &c.

S.

<i>Surrender to make a Tenant to a Precipe</i>	347
<i>Summons returned</i>	251
<i>Seisin, how to be returned.</i>	253, 256
<i>Serjeants, See Pleading.</i>	
<i>Seisin returned by the new Sheriffs</i>	320
<i>Sheriffs, sum continue per vic non misit breve</i>	321

T.

<i>Transcript, concerning it</i>	247
----------------------------------	-----

V.

<i>Vouchers, the use of them</i>	209, 210, 211
<i>Vouchee, Summons and Seisin returned by the Sheriff who was Vouchee</i>	320
	One

The Table.

One of the Vouchees dies, whereupon the Tenant re vouches the other	32
One of the Vouchees was made a Knight	32
Vouchee asks what the Tenant has to bind him t Warranty, who pleads a Fine levied by him, an then the Vouchee confesses it	342, 34

W.

Writ of Entry of what things it lieth and wh not, See Precipe.	
Writ of Entry, how it must be brought	20
The Form thereof	24
When directed to the Coroners	31
Warrants of Attorney, how to be taken before Judge	241, 242, 243, 2
Warrants, how to be taken by Dedimus Potestati	2
Writs of Summons, the Form thereof	250, 2
The Teste	2
Writ of Summons to the Coroners	3
Writ of Seisin, the Form thereof	252, 2
Writ of Seisin to the Coroners	318, 3
Writs of Mittimus and Dedimus, the Form the of	3

F I N I S.

3

3

4

4

5

2

ref

43

tel

250

52

18

7